

Gail Robin Seydel

Dear New Mexico Environment Department,

These comments are in addition to my comments filed earlier.

With the extended time to think about the proposed Permit Modifications I have deep concerns in relation to the NMED's proposed definition of Legacy waste. I oppose that proposed definition and request a public hearing. I believe negotiations and if no agreement can be reached there, a public hearing is needed on this proposed Permit Modification.

As stated in my comments to NMED in December 2024, on the DOE's Legacy Waste Plan,

[AR 250615 at 131-132]:

"I urge NMED to re-write or require the DOE to rewrite parts of the Plan, so that the following provisions are clearly articulated and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened... "

I remain firm in that belief and I urge you to edit the proposed WIPP Permit Modification to utilize this definition throughout. Again from my December 2024 comments on the Legacy Waste Plan:

"WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste..."

Only a definition of Legacy waste as generated before 1999 reflects and maintains the original mission of WIPP and the promises made to the people of New Mexico. Any other definition of Legacy waste creates loopholes for the disposal of wastes from newly generated nuclear weapons production, and an unbridled expansion of WIPP well beyond its agreed upon operational life and currently permitted dimensions.

I applaud the many positive provisions in the proposed permit modification, including strict and enforceable timelines for the prioritization of removal and disposal of Legacy waste from LANL.

As proposed the Permit Modification recognizes the importance of and maintains continuing disposal of wastes from other generator sites while enforcing the prioritization of LANL wastes: an important provision in the 2023 Negotiated WIPP Permit Agreement. However it can do that without allowing other states to define Legacy waste in ways that could create confusion as to what wastes can and should be disposed in WIPP.

Finally I sincerely thank NMED leadership and staff for their efforts to protect the people and lands of New Mexico contained in this permit modification and the opportunity to comment on this proposed Permit Modification.

Gail Robin Seydel