Paul Shoemaker

I want to comment on the NMED's proposed revisions to the WIPP Operating Permit.

As I read through the proposed changes, I ask myself why NMED would show such interest in extending the life of WIPP. The agency is proposing two things in particular that will slow to a crawl the accomplishment of WIPP's contributions to the clean up of the DOE weapons complex.

First, tying waste emplacement at WIPP to a LANL legacy waste emplacement benchmark of 55% of the total, given the slow pace of waste packaging and characterization at LANL, will bring shipments to WIPP from across the nation almost to a halt. Even if DOE were to comply with that requirement, the unmet needs of waste generator sites across the country will still be there, only to be met over many decades to come.

Second, telling DOE that, beginning in 2032, 55% of all waste emplaced at WIPP, from any and all generator sites, must be "legacy waste" (as NMED defines that term in another agency proposed permit modification), will again serve only to create accumulating unmet needs for TRU and TRU mixed waste disposal, needs that will then have to be met over very long periods into the future. I also wonder whether NMED has the regulatory authority to tell DOE what kind of waste at Idaho, Hanford, Savannah River, etc., can come to WIPP and when.

There are echoes in these NMED proposals of the 1995 Idaho Settlement Agreement with DOE, and in particular in the 2019 Supplemental Agreement to that original agreement. The fact that DOE operated site cleanup activities across the country while honoring those agreements with the State of Idaho, NMED might argue, serve as examples that things will work out OK if the NMED proposed permit changes go into effect.

However, consider that Idaho proved over many years to be a very different site when it comes to clean-up activities than LANL. Between 1995 and 2018, Idaho retrieved and treated 65,000 cubic meters of waste, 50,000 cubic meters from a berm covered by a building that could house an aircraft carrier. Then, Idaho developed and applied supercompaction technology to reduce waste volume and shipment numbers required to get the waste to WIPP.

The NMED press release regarding these agency-proposed permit modifications notes that between 2023 and 2025, 992 waste containers came to WIPP from Idaho, while over the same period only 198 came from LANL.

No one at WIPP said to LANL, "We can only take 198 containers from you." That was all that the LANL site made ready to send.

The problem, NMED, is not at WIPP. The problem is at LANL. That's where the regulatory pressure needs to be applied, in order to get the site cleanup operation there humming and challenging WIPP to have enough trucks to pick up waste that has been correctly retrieved, packaged, and characterized for shipment to WIPP.

One last cautionary note, however. Recall that the last time the NMED pressured LANL's site cleanup operations to accelerate, WIPP received the delayed Christmas present of Drum 68660

from LANL, which was emplaced in Room 7 of Panel 7 and subsequently experienced a thermal runaway leading to radioactive contamination to varying degrees throughout the repository. That, in turn, led to a complete repository shutdown from February of 2014 to January of 2017. So, NMED, in approaching LANL about the speed with which that site's legacy waste is being cleaned up and sent to WIPP, be careful what you pray for ... you may get it.

The Idaho site has been committed to and focused on waste cleanup. No so at LANL. Note that the Idaho site gave us supercompaction, while the LANL site gave us organic kitty litter.

The point of these comments is to remind NMED the problem is at the LANL site; it is NOT at WIPP. To hamstring the accomplishment of WIPP's contributions to the national cleanup mission is not the way to improve cleanup efficiency at LANL.