

Kristin Ulibarri

On April 23, the New Mexico Environment Department (NMED) issued a Draft Permit proposing to require a minimum percentage of legacy shipments in the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit). The percentage comes as an agency-initiated modification (AIM). New Mexico Hazardous Waste Regulations provide for NMED to modify an existing permit for cause upon the receipt of information not available at the time of permit issuance. NMED has determined there is sufficient basis for the development of this agency-initiated modification that clarifies the priority to emplace legacy waste and reduces the risk of Los Alamos National Laboratory (LANL) legacy waste during the current permit term.

These proposed changes that would require the Department of Energy (DOE) to ensure that legacy transuranic waste shipments from Los Alamos are more than half (by volume) of the annual total legacy waste shipments from all other DOE sites. Nuclear Watch New Mexico/I strongly support[s] these proposed changes.

I believe it will be possible to get the above-ground waste out by July 1, 2028.

The AIM has no date for the buried waste to be gone. It just has requirements for the percentages of LANL legacy waste to go to WIPP on an annual basis. A date to determine what buried legacy waste that exists is needed. Nuclear Watch New Mexico/I suggest January 1, 2029 as the required date to have completed this below-ground inventory.

WIPP is not a jobs program. It will be in operation long after its original completion date of 2024 as promised to the people of the State of New Mexico. It is DOE itself that has been delaying work at WIPP by not funding WIPP adequately. DOE should be planning its next repository by now.

Pit production is NNSA's most expensive program ever, with \$5 billion to be spent over each of the next six years and at least \$60 billion over the next 20 years. There should be consideration of how taxpayer resources would be better used to address urgent national security threats such as cleanup, adverse climate change, and global pandemics.

The AIM reflects that the State is putting in some additional requirements because DOE didn't do what it agreed to.

Sincerely,

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