

## Susan Peirce

On April 23, NMED issued a Draft Permit proposing to require a minimum percentage of legacy shipments in the WIPP Hazardous Waste Facility 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 LANL legacy waste during the current permit term.

The proposed changes would require the 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. I strongly support these proposed changes.

DOE will likely claim that that they can not afford this, while spending \$5B this year on nuclear weapons pit production at LANL Cleanup is part of the job. DOE has not done the job back to the the beginning of the Cold War. Plus, DOE plans to leave 1 million cubic meters of radioactive and hazardous waste buried in a seismic zone between a rift and a dormant supervolcano.

I support the main proposed changes the of the Draft Permit:

- From January 1, 2027 through December 31, 2031, at least 55% of the total volume of all waste emplaced at WIPP from all generator/storage sites must be LANL legacy waste.
- Beginning January 1, 2032, and until all LANL legacy waste has been emplaced at WIPP, LANL legacy waste must be at least 75% of the total volume of waste emplaced from all generator/storage sites.
- Legacy waste currently stored above-ground at LANL Material Disposal Area-G shall be shipped and emplaced at WIPP by July 1, 2028.
- If at any point any of those conditions are not met, all generator/storage site shipments (with the exception of LANL) must cease until all deficiencies are cured.

- An annual report, due by April 30 of each year, for each generator/storage site and for both legacy and non-legacy waste, shall detail information needed to demonstrate prioritization of LANL legacy waste and compliance with the requirements of this Permit section.

Nuclear Watch New Mexico/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.