

National Nuclear Security Administration Livermore Field Office (Thomas Grim)

This submission constitutes: (1) written notice of opposition to the NMED-initiated WIPP Hazardous Waste Facility permit modification; and (2) a request for a hearing in accordance with 20.4.1.901 NMAC.

The NNSA Livermore Field Office opposes the Agency-Initiated Modification (AIM) to the WIPP Hazardous Waste Facility Permit. The proposed limits on transuranic (TRU) waste shipments would create long-term operational and compliance challenges for Lawrence Livermore National Laboratory (LLNL). Reduced TRU waste shipments to WIPP would lead to increased onsite accumulation of TRU and mixed TRU waste, resulting in immediate and long-term storage capacity consequences.

A sustained buildup of waste inventory also introduces significant safety impacts. Continued accumulation of TRU waste places added pressure on facility safety basis limits and reduces available margin for safe waste management operations. Over time, rising inventories increase the likelihood of storage congestion and limit LLNL's ability to stage and handle waste safely. These safety concerns escalate as onsite quantities grow, making predictable access to WIPP essential for maintaining safe, compliant operations. These impacts would reduce LLNL's operational flexibility and complicate mission enablement activities that rely on predictable, compliant TRU waste disposition.

The AIM also changes access to WIPP based on generator identity rather than applying risk-based, waste-specific regulatory standards consistent with the Resource Conservation and Recovery Act (RCRA). This departure from precedent established under RCRA does not provide a clear environmental or safety benefit.

For these reasons, the Livermore Field Office requests that NMED withdraw the AIM and hold a public hearing to fully evaluate its impacts.