

Ruby Sullivan

To the NMED,

My name is Ruby Sullivan and as a member of the public, I'm writing to inform you of my support for the WIPP permit modification. I would also like to thank NMED for listening to the public, taking the DOE's failure to meet its obligations under the 2023 settlement agreement with the state of New Mexico seriously, and acting accordingly.

As NMED stated in April 2026, the DOE has failed to fulfil the commitments it made in its 2023 settlement agreement with the state of New Mexico, which included prioritizing disposal of legacy waste in a new underground disposal unit at the WIPP. Since the DOE has effectively backed away from its commitments by delaying the construction of the new underground disposal unit until 2035, as well as shipping 992 waste containers from Idaho National Laboratory to WIPP between 2023 and 2025, I agree with NMED's proposal to strengthen the WIPP's operating permit. I agree that the commitments made by the DOE in the 2023 settlement must be codified in the permit to protect the health of New Mexicans and communities across the U.S., like Environment Secretary James Kenney said.

I agree with NMED's decision to define the term "legacy waste," as well as all of the proposed permit provisions, including:

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

These provisions are vitally important as new plutonium pit production at LANL – and eventually at SRS – will begin generating new streams of radioactive waste while decades-old legacy waste still awaits cleanup. Additionally, a June 2025 Government Accountability Office report stated that over half of the "mission-critical" equipment and infrastructure at WIPP is in "poor and substandard condition," which according to the DOE "increases the potential for infrastructure failure, allowing greater risk of unforeseen delay to waste disposal operations or shutdown of the site." WIPP had an initially projected lifespan of 25 years, but the DOE plans to continue disposing radioactive waste at the facility until the 2080s – 50 years longer than its originally projected lifespan. As the nation's only repository, WIPP's operating permit must be modified to require explicit standards and metrics for the disposal of LANL's legacy waste.

Thank you,

Ruby Sullivan