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New Mexico Environment Department (NMED)
Harold Runnels Building
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Suite N2150
Santa Fe, NM 87505

SUBJECT: Proposed Modification to WIPP Hazardous Waste Facility Permit

On behalf of Argonne National Laboratory (ANL), we appreciate the opportunity to comment on the proposed modification to the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit, which would impose mandatory volume percentage shipment priority to Los Alamos National Laboratory (LANL) legacy transuranic (TRU) waste over other Department of Energy (DOE) generator sites.

ANL opposes the NMED's Agency Initiated Modification (AIM) draft WIPP Permit and requests party status and a public hearing in accordance with 20.4.1.901 NMAC. Because the proposed modification would not be protective of public health and the environment, the AIM draft Permit should be rescinded.

The proposed modification will adversely impact Argonne's ability to efficiently remove legacy TRU waste from our site. Although Argonne's waste may meet the NMED proposed definition of Legacy Waste in draft Permit Part 1, Section 1.5.24, the new prioritization scheme in draft Permit Part 4, Section 4.2.1.4 will artificially delay shipments of our certified, ready-for-shipment inventory shipments of both remote-handled (RH) and contact-handled (CH) TRU waste — resulting in extended on-site storage of radioactive and hazardous materials.

Since WIPP opened to CH TRU waste in 2001, Argonne has diligently worked to disposition legacy waste as part of a broader nuclear waste and facility footprint reduction strategy. Over this period, Argonne has removed more than 1,100 containers of CH and RH TRU waste, reduced its nuclear facilities from ten to four, and invested approximately 7 years of effort and \$28 million to characterize and certify its remaining legacy TRU waste inventory for WIPP disposal.

Delays in waste shipments from ANL will result increased risk to public health and the environment by maintaining our current radioactive waste risk posture for longer than anticipated and the delay in the planned downgrade of a nuclear facility at our site. The delayed downgrade will result in an annualized increased cost to Argonne of approximately \$2 million dollars.

WIPP has been congressionally authorized to serve as a national asset for effectively addressing Defense TRU waste risk across the United States. As a DOE National Laboratory, Argonne supports the cleanup of legacy waste at all DOE-approved sites, including LANL. But as written, the proposed permit modification would artificially limit WIPP from accepting legacy waste from throughout the country based on the pace of shipments from one generator. While ANL understands NMED's desire to prioritize shipments of this waste, any regime that delays the placement of legacy waste effectively slowing the pace of collective progress from all waste generators cannot be reconciled with NMED's statutory obligation to manage hazardous waste as necessary to protect public health and the environment.

Argonne respectfully urges NMED to withdraw the proposed agency-initiated permit modification to the WIPP Hazardous Waste Facility Permit, as its implementation would fail to adequately safeguard public health and environment.

Argonne looks forward to working collaboratively with DOE, NMED, and our fellow national laboratories to find a solution that advances cleanup for the entire DOE complex while responsibly managing our legacy waste obligations.

Sincerely,

Raeanna R. Sharp-Geiger

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