

Oregon Department of Energy (Tom Sicilia)

The State of Oregon commends New Mexico Environment Department on the work they do to ensure compliance of the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP Permit), and to serve the people of New Mexico. We understand and support NMED's concept of prioritizing cleanup of facilities in New Mexico.

We appreciate the opportunity to provide comment on the April 2026 proposed updates to the WIPP Permit. Our comments are focused on the updates to Section 4.2.1.4 and 4.2.1.5, and how the modified text therein could, while supporting cleanup at Los Alamos National Lab, also have unclear effects to the cleanup missions across the other facilities nationwide. Oregon is particularly interested in ensuring that Hanford waste is safely transferred to WIPP on or near the schedule agreed-upon by DOE and Washington. We suggest a permit condition that we think would ensure prioritization of LANL waste to WIPP, while also not inadvertently delaying WIPP shipments from other DOE-EM facilities across the nation.

The Hanford site has a complex full of aging drums of retrieved transuranic and mixed transuranic wastes (TRU/M) awaiting certification and transport through Oregon for placement in WIPP. The currently negotiated legal milestones call for shipments to resume in 2028, after a 15 year pause. We understand that WIPP can nominally accept up to 17 shipments a week, but that in the first decade of the Hanford shipping campaign, only a few a week are expected. In that light, the NMED proposed updates to 4.2.1.4 might not not cause delays for the Hanford cleanup mission. But that is only the case if the supply/throughput of TRU/M from Los Alamos National Laboratory (LANL) can balance the Hanford shipments plus any other legacy TRU/M waste from other facilities nationwide at the 55% level.

Our questions arise when it comes to that LANL supply. As anyone who follows the cleanup of sites with legacy TRU/M knows, cleanup sites are typically not fully funded. Hanford has a backlog of certification-ready retrieved legacy TRU/M. Under 4.2.1.4, it seems that transport and placement of that material is contingent upon Congress approving funding for a retrieval and packaging scope at LANL, and then there being no unforeseen events which delay implementation of the LANL work. Retrieving TRU/M is not a routine task, and must be done deliberately and safely. We see a potential challenge placed on the LANL workforce and budget to meet the proposed requirements of condition 4.2.1.4 as currently written. We suggest that NMED consider including a condition that establishes a process for DOE to request a temporary waiver of these provisions should congressional funding or unforeseen challenges slow retrieval of legacy TRU/M from LANL. We think that such a process will continue to provide priority for LANL shipments as they are available but will prevent the inadvertent stranding of the other legacy waste across the complex that is ready to be certified and placed at WIPP.

As the Hanford site will likely be the final EM facility shipping legacy TRU/M for placement at WIPP long after the rest of the complex is completed, we are appreciative of the foresight included in 4.2.1.5. As NMED rightly asserted in the fact sheet, there will be one or more permit renewals needed before the nationally critical mission that WIPP serves reaches its conclusion, and we thank NMED and the people of New Mexico for the work it does to support our national cleanup efforts. Please contact me or my Assistant Director Max Woods (Maxwell.woods@energy.oregon.gov) with any questions.