

John Heaton

Comment Attached

DRAFT PERMIT MODIFICATION FOR WIPP PERMIT ISSUED APRIL 23, 2026
FOR PERMIT ISSUED NOVEMBER 3, 2023
RESPONSE BY: JOHN HEATON

VIA: E-MAIL HWB-WIPP-COMMENT@ENV.NM.GOV

MEGAN MCLEAN, WIPP PROGRAM MANAGER
HAZARDOUS WASTE BUREAU
NM ENVIRONMENT DEPARTMENT

DEAR MS. McLEAN:

FIRST, I WOULD LIKE TO THANK YOU FOR MAKING THE TREAK TO CARLSBAD TO LISTEN TO OUR CONCERNS. I AM GREATFUL YOU TOOK THE TIME TO BE THERE.

IT IS ABSURD TO THINK THAT WIPP CAN CONTROL THE LONGEVITY OF ANY TRANSURANIC WASTE IT IS RECEIVING. WIPP'S MISSION IS TO SAFELY TRANSPORT AND DISPOSE OF TRANSURANIC WASTE FROM THE WEAPON'S COMPLEX IN THE UNITED STATES. IT IS NOT THE POLICEMAN FOR DETERMINING WHETHER THE WASTE IS NEW OR OLD. WIPP'S RESPONSIBILITY IS TO REMOVE TRANSURANIC WASTE FROM THE BIOSPHERE, AND THUS, REDUCE THE HEALTH AND SAFETY RISK TO THE PUBLIC OF THE UNITED STATES. LET'S BE HONEST, DOES IT REALLY MATTER IF THE WASTE IS OLD OR NEW, AS LONG AS IT IS BEING REMOVED FROM THE BIOSPHERE?

SECOND, IT IS WELL KNOWN THAT LOS ALAMOS HAS NOT BEEN ABLE TO PREPARE WASTE, WHETHER OLD OR NEW, FOR SHIPMENTS TO WIPP. THIS IS NOT A PROBLEM OF WIPP, BUT RATHER A PROBLEM OF LOS ALAMOS. WIPP HAS TOLD THE ENVIRONMENT DEPARTMENT OVER AND OVER AGAIN THAT IT WILL IMMEDIATELY PICK UP ANY SHIPMENTS FOR WIPP AS THEY ARE PREPARED BY LOS ALAMOS. LOS ALAMOS SIMPLY DOES NOT SEEM TO GET SHIPMENTS READY. IS IT THE INTENT OF THE ENVIRONMENT DEPARTMENT TO INTRODUCE PERCENTAGES OF OLD WASTE TO STOP SHIPMENTS FROM LOS ALAMOS AS WELL AS OTHER SITES IN THE COUNTRY? IS THIS RATIONAL? ABSOLUTELY NOT!! FOR EXAMPLE; WIPP'S OBJECTIVE IS TO RECEIVE 17 SHIPMENTS PER WEEK, AND LANL IS SHIPPING ABOUT 4 SHIPMENTS A WEEK. WHEN WASTE VOLUME IS INTRODUCED AS A CRITERIA, THEN HALF PAKS, AND STANDARD WASTE BOXES THAT ONLY CONTAIN 3 DRUMS CAUSE SIGNIFICANT COMPLICATIONS IN THE ACTUAL VOLUME BEING SHIPPED. THE 55% OF WASTE VOLUME FROM LANL REDUCES THE VOLUME FROM OTHER SHIPPERS SIGNIFICANTLY, AND THE NUMBER OF LANL SHIPMENTS WOULD HAVE TO DOUBLE IN ORDER TO RECEIVE A FULL COMPLIMENT OF WASTE FROM OTHER SHIPPERS. THIS APPROACH DRASTICALLY REDUCES WIPP'S EFFICIENCY AND SERVES TO MAKE THE COUNTRY LESS SAFE.

IF IT'S THE DEPARTMENT'S INTENT TO CLEAR OUT THE BUBBLE TENTS AND SHIP OLD WASTE, THEN WHY IS IT NOT DICTATING THAT TO LOS ALAMOS DIRECTLY? WHY USE WIPP FOR LEVERAGE? WIPP CAN'T CONTROL WHAT LOS ALAMOS DOES OR DOESN'T DO IN CHARACTERIZING AND READYING TRU WASTE FOR SHIPMENTS. DO THEY NEED MORE CHARACTERIZATION LINES, MORE PERSONNEL, OR MORE MONEY TO DO IT? THIS BACK-HANDED APPROACH TO CONTROLLING LOS ALAMOS THROUGH WIPP RESTRICTIONS AND PERCENTAGES WILL ONLY SERVE TO CONSTIPATE THE WHOLE SYSTEM AND MAKE OTHER LOCATIONS AND THE UNITED STATES LESS SAFE. IS THIS THE DEPARTMENT'S INTENT TO MAKE OTHERS IN THE COUNTRY LESS SAFE? THE DEPARTMENT SHOULD BE DEALING DIRECTLY WITH LOS ALAMOS!!

THIRD. IF THE CONSTITUEN'ST AND THE DEPARTMENT'S FEAR IS THAT THERE WILL NOT BE ENOUGH SPACE FOR LOS ALAMOS WASTE, THEN IT MAKES A GREAT DEAL OF SENSE FOR THE DEPARTMENT TO DEVELOP A CONSENT AGREEMENT WITH LOS ALAMOS TO EXPEDITE THEIR WASTE DELIVERY PREPARATION. THE LATEST ATWIR REPORT SHOWS AN ABUNDANCE OF SPACE AT WIPP TO BE ABLE TO ACCEPT ALL OF LOS ALAMOS WASTE, BOTH OLD AND NEW. BUT IF CONCERN REMAINS, AGAIN, THE CONSTITUENTS AND THE DEPARTMENT SHOULD BE WORKING DIRECTLY WITH LOS ALAMOS TO INCREASE AND EXPEDITE SHIPMENTS. LET'S BE REALISTIC, WITHOUT A CONSENT AGREEMENT, NEITHER WIPP NOR THE DEPARTMENT HAS ANY LEVERAGE TO INCREASE SHIPMENTS FROM LOS ALAMOS.

LASTLY. IN SUMMARY OF THE PROPOSED MODIFICATIONS TO THE WIPP PERMIT, I OFFER THE FOLLOWING:

1. AS YOU KNOW, THIS IS A POLITICAL DECISION WHOSE REPERCUSSIONS WILL MOST LIKELY BE TO RESTRICT THE CLEANUP FROM AROUND THE COUNTRY.
2. WIPP HAS NO CONTROL OVER THE PREPARTION OF WASTE FOR SHIPMENT TO WIPP OR THE AGE OF THE WASTE BEING PREPARED FOR SHIPPING. THE AGE OF THE WASTE AND THE RAPIDITY OF PREPARATION FOR SHIPMENT ARE STRICTLY WITHIN THE PURVIEW OF LOS ALAMOS. WIPP HAS NO CONTROL OVER WHAT WASTE AND THE EXPIDIOUSNESS OF WASTE PREPARATION FOR SHIPMENT. WIPP HAS AGREED TO IMMEDIATELY TAKE ANY WASTE READY FOR SHIPMENT. COMPARING OTHER SITE'S SHIPMENTS RELATIVE TO LANL ONLY DEMONSTRATES THE INABILITY OF LANL TO PREPARE SHIPMENTS, AND NOT WIPP'S ABILITY TO PICK THEM UP.
3. WIPP'S REQUEST FOR PANEL 12 AND AGREEMENT TO BE USED FOR OLD WASTE WAS BASED ON INVENTORY ESTIMATES COMING FROM GENERATOR SITES. THE FACT THAT WASTE PREPARATION IS MORE DIFFICULT AND TIME-CONSUMING WAS AN ERROR BY THE GENERATOR SITES AND NOT BY WIPP. THE POINT HERE IS THAT BECAUSE

GENERATOR SITES ARE SHIPPING MORE SLOWLY, IT IS THE PERFECT OPPORTUNITY FOR LANL TO SCALE UP THEIR SHIPPING AS MUCH AS THEY CAN OF OLD WASTE.

4. WIPP IS A NATIONAL TREASURE, AND WITHOUT IT LOS ALAMOS AND THE REST OF THE WEAPONS COMPLEX TRANSURANIC WASTE WILL NEVER BE CLEANED UP.
5. FINALLY, I HAVE WATCHED GOVERNORS ATTEMPT TO CONTROL LANL BY ATTEMPTING TO LEVERAGE WIPP TO GET THEIR WISHES FOR LANL. IT IS REMARKABLE TO ME WITH ALL THE SMART PEOPLE AT THE ENVIRONMENT DEPARTMENT THAT THEY ARE PERSUADED BY A HANDFUL OF PEOPLE TO PLACE RESTRICTIONS ON WIPP WHEN THEY SHOULD BE NEGOTIATING DIRECTLY WITH LANL AND DOE HQ TO GET THE BUDGET AND STAFFING TO ACCOMPLISH THEIR GOALS. WE SHOULD BE ADVOCATING FOR NEW MISSIONS AND EXPANSIONS FOR LANL LIKE THE STATES AND COMMUNITIES WITH NATIONAL LABS IN THEIR STATES, RATHER THAN CONSTANTLY FIGHTING WITH LANL. I KNOW THEY ARE NOT PERFECT, AND NNSA SOMETIMES HAS A CULTURE OF OBSTINENCE, BUT THIS CAN BE NEGOTIATED DIRECTLY WITH LANL AND HQ.

BEST REGARDS