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WIPP Agency-Initiated Modification Draft Permit (AIM)

I am submitting my comments in support of the New Mexico Environment Department's modification of the Department of Energy WIPP Permit to clarify priority for the emplacement of legacy waste from Los Alamos National Laboratory (LANL), thereby reducing public health and safety risks posed by on-site storage of Cold War legacy waste and DOE's expanded pit production in New Mexico.

Since 2023, NMED has insisted that DOE's Plan adhere to WIPP's original mission of providing permanent storage for all LANL legacy waste generated before 1999. Expedited removal of legacy waste will support LANL's capacity to safely carry out future expanded plutonium pit production and should not be superseded by DOE's rush to promote new pit production before the safety of LANL's pit production and WIPP facilities have been secured.

The Department of Energy is falling short on the planning leg of its endeavors by failing to lay the infrastructure and groundwork for expanded plutonium pit production at both LANL and at WIPP.

DOE's haste to expand pit production before the new facilities have been constructed only increases the risk of a nuclear or hazmat accident on LANL premises. Groundbreaking for new buildings and infrastructure on a site littered with legacy waste pits, waste shafts, waste trenches and temporary above-ground waste storage areas demonstrates a lack of long-term strategic planning.

WIPP is also in "substandard or inadequate condition," according to a 2025 report from the GAO. DOE originally estimated WIPP would stop accepting waste in 2023. Now DOE expects to continue transuranic waste disposal activities at WIPP until the early 2080s, sixty years longer than originally planned.

Mispackaged transuranic waste from Los Alamos National Laboratory burst in a salt cavern at WIPP in 2014, resulting in a radiation leak that led to a nearly three-year shutdown and a \$2 billion cleanup effort.

Currently, more than \$37 million is needed to address WIPP's outdated infrastructure and much work remains to be done, according to the GAO report.

"Accurate data and clear long-term management plans would help DOE plan, prioritize, and fund critical maintenance for WIPP's infrastructure and reduce costly emergency refurbishment of assets critical to nuclear waste disposal," the report states.

But DOE has failed to secure adequate funding to clean up legacy waste at both facilities, just when it is most needed. The Trump administration's proposed LANL budget for the coming fiscal year includes an 83% increase in funding for plutonium pit production but just a 5.7% increase for cleanup.

Modification of DOE's WIPP permit to include clear timelines for the removal of legacy waste from LANL are overdue. DOE has shipped about 5 times more waste from the Idaho National Lab to WIPP than from LANL.

NMED's proposed permit revisions will require DOE to more clearly define legacy waste, along with "objective metrics for LANL legacy waste cleanup" to ensure that LANL legacy waste accounts for at least 55% of total disposal volume at WIPP from 2027 through 2031.

The presence of extremely ultra-hazardous materials like plutonium on Lab premises necessitates the utmost care in all respects. All legacy waste at the LANL should have been removed to WIPP long ago to prepare for expanded plutonium pit production, an extremely dangerous new undertaking.

New Mexicans won't feel safe until all the drums at Area G are emplaced in WIPP by July 1, 2028, or earlier.

Legacy waste stored in unlined trenches at the Lab or in canvas tents outside the proposed production buildings could lead to a criticality during a wildfire or other extreme weather event. Even an electrical fire sparked by lightning and fueled by electric lines and dry tinder in the Caja del Rio could have a domino effect that precipitates a catastrophic disaster of mass proportions for the entire state of New Mexico and beyond.

I support the imposition of sanctions if DOE fails to move this waste by a set date, including suspension of the permit. Not allowing DOE to ship waste other than LANL legacy waste until this milestone is reached is appropriate and necessary to safeguard New Mexico's environment and our public health.

New Mexico has sacrificed the lives of several generations and sacred landscapes that encompass our air, soil and groundwater long enough. It's time for DOE to act responsibly and with the utmost care at LANL and at WIPP. We will not consent to sacrifice our environment for children and grandchildren's future.

This permit modification is needed to protect New Mexico now and in the foreseeable future.

Thank you for your careful consideration of my comments in support of agency-initiated modifications to DOE's WIPP permit

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