

# Carlsbad Mayor's Nuclear Task Force (Johnny (Jack) Volpato)

To James Kinney, Cabinet Secretary NMED

I stand in opposition to the proposed permit modifications. First, they are not necessary for WIPP. The Los Alamos legacy waste is on a priority call currently. When Los Alamos has a shipment characterized and ready for shipment, WIPP responds within 72 hrs and picks it up. WIPP is keeping up with their obligations for shipments. If you want more shipments sent, then you need to take that up with the Los Alamos team. We believe that Los Alamos should be cleaned up in a SAFE manner, not to be rushed, as we all know what that leads to.

If the permit modifications were to be adopted, with current waste values at Los Alamos, we would have to reduce operations at WIPP from 3 shifts to 1 shift, causing massive layoffs and severely disrupting the economy of Carlsbad. It would put the WIPP facility in a tenable position to close. If that were to happen there would be no place for the legacy waste or the newly generated transuranic waste to be sent. It would remain at Los Alamos indefinitely.

The NMED is overstepping its regulatory authority and should be sued in a court of law. NMED has constantly exceeded its regulatory authority and this is another example. I believe that the courts will also agree that it has exceeded its authority under RCRA granted by the EPA. NMED is running a big risk with EPA that could result in the state either losing their regulatory authority or having it severely diminished.

I also formally request to be a participating party for the negotiation hearing. I also request for the hearing scheduled for July 30 and 31 to be moved to August 15 and held in Carlsbad.

In summary, if you want more waste shipped from Los Alamos, you should deal directly with them, not use WIPP as a hostage.

Sincerely,

John (jack) S Volpato jr. Chairman, The Mayor's Nuclear Task Force of Carlsbad