

**Legacy TRU Waste Disposal Plan
Public Comments Received**

as of February 2, 2025

From: Melanie Snyder
Sent: Sunday, February 02, 2025 10:52 PM
To: LTWDP; Gerle, Michael - CBFO; Bollinger, Mark - CBFO
Cc: Josh Lindsley; REESE Mark * ODOE; Eletha Trujillo; Laura Rennick; Aaron Beard
Subject: WIPP TAG comments on Legacy TRU Waste Disposal Plan
Attachments: WIPP TAG comments on Legacy TRU Waste Disposal Plan_FINAL.pdf

The message to LTWDP@wipp.doe.gov on Sun Feb 02 2025 22:52:38 contains a file attachment:
[image001.png](#)
[WIPP TAG comments on Legacy TRU Waste Disposal Plan_FINAL.pdf](#)
that may have been dropped.

Good evening Mark, Michael, and the DOE Legacy TRU Waste Disposal Plan team,

I am submitting the attached comments from the Western Interstate Energy Board's Waste Isolation Pilot Plant Transportation Technical Advisory Group. We appreciate the opportunity for engagement, and we remain open to further dialogue on this important topic.

Thank you and take care,
Melanie

Melanie K Snyder, Esq.
Nuclear Energy Policy Program Manager
Western Interstate Energy Board
Phone: 720-897-4603 Mobile: 720-383-3242
Email:
Web: www.westernenergyboard.org
1600 Broadway, Suite 1020 | Denver, Colorado 80202





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Laura Rennick
Executive Director

January 31, 2025

Mark Bollinger
Manager
U.S. Department of Energy – Carlsbad Field Office
1000 Independence Ave. SW
Washington, D.C. 20585

Dear Mr. Bollinger,

The Western Interstate Energy Board (WIEB) Waste Isolation Pilot Plant Transportation Technical Advisory Group (WIPP TAG) appreciates the opportunity to offer comments on the Legacy TRU Waste Disposal Plan. WIEB is an organization of eleven Western states and two Canadian provinces which focuses on promoting energy policies developed through the cooperative efforts of WIEB’s members in collaboration with the federal government. WIEB’s WIPP TAG is composed of representatives from ten Western states who help manage transuranic (TRU) waste transportation from and through Western states to the WIPP site in New Mexico. The western state representatives who eventually formed the WIPP TAG (previously organized under the Western Governors’ Association) worked collaboratively with the U.S. Department of Energy (DOE) in the 1990s to develop the WIPP Program Implementation Guide, which in updated form continues to govern how TRU waste is shipped to WIPP in the West. Since that time, the WIPP TAG has continued to engage with DOE and other federal, state, tribal, and industry partners on matters related to TRU waste. The WIPP TAG now aims to apply this experience in providing comments on the Legacy TRU Waste Disposal Plan.

The WIPP TAG’s comment is that “plutonium declared excess to national security and purposefully made unavailable and unsuitable for the purpose of re-use in nuclear weapons” – i.e., surplus plutonium – should only be prioritized for disposal in Panel 12 after any available inventories of TRU waste from the cleanup of legacy nuclear weapons production sites, such as Los Alamos National Laboratory (LANL) and the Hanford Site. While the WIPP TAG acknowledges the national security importance of the surplus plutonium disposal mission, the group emphasizes that the reservation of Panel 12 for legacy TRU waste, to the extent practicable, was to prioritize the cleanup of sites that have un-consentingly hosted nuclear wastes for many decades. Surplus plutonium, added to the WIPP disposal roster long after the site opened, should not displace TRU waste that has been designated for disposal since the program’s inception. To align with the spirit of the legacy TRU waste provision in the WIPP Hazardous Waste Facility Permit, surplus plutonium should only be prioritized for disposal in Panel 12 after available TRU waste from legacy nuclear weapons production sites.

In making this comment, the WIPP TAG is intentionally setting aside the semantic question of whether surplus plutonium fits within the definition of “legacy TRU waste” found in the Legacy TRU Waste Disposal Plan. The WIPP TAG merely acknowledges that DOE-CBFO has made an effort to craft a definition that addresses the TRU waste disposal needs across the various nuclear missions within the federal complex.

The WIPP TAG appreciates the opportunity to provide comments on the Legacy TRU Waste Disposal Plan. Additionally, the group is confident that, regardless of the specific TRU waste disposed of in Panel 12, DOE will continue to uphold the detailed procedures for shipping TRU waste through the West which are outlined in the WIPP Program Implementation Guide. The WIPP TAG also trusts that the West will continue to enjoy a productive and collaborative relationship with DOE-CBFO. Should DOE-CBFO have any questions about these comments or related matters, the WIPP TAG would be happy to assist. Please contact WIEB’s Nuclear Energy Policy Program Manager, Melanie Snyder, at msnyder@westernenergyboard.org, with any inquiries.

Sincerely,

Josh Lindsley
Colorado State Patrol
WIPP Grant Program Administrator
Chair, WIEB WIPP TAG

Mark D. Reese

Mark Reese
Oregon Dept. of Energy, Nuclear
Safety Division
Radiological Emergency Planning
Coordinator
Vice-Chair, WIEB WIPP TAG

cc: Michael Gerle, DOE-CBFO

From: Trujillo, Eletha, EMNRD
Sent: Friday, January 31, 2025 4:03 PM
To: LTWDP
Subject: LTWDP Comments
Attachments: LTWDP Comments.docx

The message to LTWDP@wipp.doe.gov on Fri Jan 31 2025 16:03:30 contains a file attachment:
[image001.png](#)
[LTWDP Comments.docx](#)
that may have been dropped.

To Whom It May Concern: Please find attached comments from the Radioactive Waste Consultation Task Force regarding the Legacy TRU Waste Disposal Plan and “legacy” waste definition.

If you have any questions, please contact me at my email address below.

Thank you.

Respectfully,

Eletha Trujillo
Hazardous Waste Planning Bureau Chief
EMNRD
5200 Oakland Ave NE
Albuquerque, NM 87113



State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary Designate

Benjamin Shelton
Acting Deputy Cabinet Secretary



January 31, 2025

U.S. Department of Energy
Carlsbad Field Office
P.O. Box 3090
Carlsbad, New Mexico 88221

Submitted electronically via: LTWDP@wipp.doe.gov

RE: Comments on Legacy TRU Waste Disposal Plan

To Whom It May Concern,

The State of New Mexico Radioactive Waste Consultation Task Force (Task Force) was formed to represent the interests of the State of New Mexico regarding the safe and uneventful transportation of nuclear waste in and through the state. The Task Force is also responsible for negotiating on behalf of the state with the federal government in all areas relating to the siting, licensing, and operation of new federal disposal facilities for high level, transuranic, and low-level radioactive wastes, conducting technical and policy analyses of related issues, and coordinating any related investigations or studies undertaken by state agencies.

The Task Force reviewed the Legacy TRU Waste Disposal Plan (LTWDP) as required by the 10-year Renewal Permit (Permit) Part 4, Section 4.2.1.5. A requirement within the Permit is to develop a plan for the disposal of legacy waste and to the extent practicable reserve Panel 12 for disposal of legacy TRU and TRU mixed waste. The Department of Energy (DOE) provided a draft definition of legacy TRU mixed waste within the LTWDP.

The Task Force understands the requirement of the DOE to define “legacy TRU” and “legacy TRU mixed waste.” The Task Force asks that the DOE include only U.S. defense related radioactive waste generated prior to 1999 in its definition of legacy TRU waste. The Task Force asks the DOE to include cleanup prioritization of the Los Alamos National Laboratory (LANL), as New Mexico hosts the Waste Isolation Pilot Plant (WIPP). The Task Force asks that the DOE include language in the Plan indicating that some legacy TRU waste will not be disposed of in New Mexico but rather in a disposal site outside of New Mexico (i.e. WIPP II). Further explanation of comments can be found in the Attachment (1).

The Task Force appreciates the opportunity to comment on the Plan and recognizes the DOE has made an effort to define legacy TRU waste within the disposal plan that addresses the needs of various federal sites across the nation. Should you have any questions regarding these comments, please contact Hazardous Waste Planning Bureau Chief and staff support to the Task Force Eletha Trujillo, at eletha.trujillo1@emnrd.nm.gov.

Sincerely,

Signature on file

Melanie Kenderdine
Cabinet Secretary/Task Force Chair

Cc: Cabinet Secretary Melanie Kenderdine
Cabinet Secretary James Kenney
Cabinet Secretary Ricky Serna
Cabinet Secretary Gina DeBlassie
Cabinet Secretary Josett Monette
Cabinet Secretary Jason Bowie
General Miguel Aguilar
Commissioner Stephanie Garcia Richard
Fire Marshal Randy Varela
Megan Mclean
Ricardo Maestas
Eletha Trujillo
JD Nance
Mark Bollinger

Attachment (1)

Comment 1: The Plan will be developed in consultation with the generator/storage sites and stakeholders.

The DOE listed a variety of meetings in where the LTWDP was presented; however, the Task Force did not think that DOE adequately consulted with stakeholders and specifically the tribes impacted by their project. Specifically, the DOE did not meet the consultation requirements with Tribes per DOE O 144.1A. Formal consultation should also be held with regulators and decision makers. DOE noted that staff presented the project and updates at meetings such as the National Transportation Stakeholders Forum (NTSF) and other regional group meetings. These presentations do not meet the formal “consultation with stakeholders” requirement in the DOE Order. The Task Force recommends that the DOE provide formal consultation with regulators and stakeholders where comments and data can be shared and collected to assist in the development of the legacy TRU waste definition.

Comment 2: The DOE included waste designated as “non-legacy” in the Plan.

The definition of “legacy TRU waste” and “legacy TRU mixed waste” should include only the existing U.S. defense related TRU waste prior to 1999 and the opening of the WIPP. The Task Force asks that DOE consider using the existing LANL definition of legacy waste in its final definition.

Comment 3: The DOE must prioritize the cleanup of LANL within the LTWDP.

The updated permit Part 4, Section 4.2.1.4 requires that the DOE certifies that there is sufficient capacity in permitted waste panels for the emplacement of LANL stored (including buried) waste. New Mexico carries the burden of TRU waste disposal for the nation by housing the WIPP. The proposed definition within the LTWDP should prioritize LANL cleanup, specifically Material Disposal Area (MDA) C and G and buried waste. The Task Force recommends that the DOE include language in its Plan that prioritizes cleanup of MDA C and MDA G (and buried waste) for disposal at WIPP.

Example: The settlement agreements DOE has with states such as Idaho and South Carolina to clean up and remove waste designated for the WIPP appear to take priority over LANL cleanup. This is in contradiction to the permit agreement. From the inception of emplace in 1999 (see Table 1 below), the DOE has shipped and emplaced 7,697.32 cubic meters of waste from LANL. Both Idaho National Laboratory (INL) and Savannah River Site (SRS) have shipped 52,509.04 cubic meters (41,072.321 and 11,436.72 respectively), over seven times greater volume than LANL.

Shipper Site	LWA Volume Emplaced *cubic meters
ANL-E	168.14
BAPL	3.15
HANFORD	3,941.87

Shipper Site	LWA Volume Emplaced *cubic meters
INL	41,072.32
LANL	7,697.32
LLNL	324.92
NTS	390.60
ORNL	1,570.24
RFETS	11,366.05
SNL/NM	5.83
SRS	11,436.72
VNC	19.74
WCS	179.43
Total	78,176.33

Table 1. Report from WDS 12/12/2024

Comment 4: The Task Force recommends that the DOE identify a process to track legacy TRU waste destined for disposal at WIPP that is not cumbersome to the public, regulators, or generator sites within the LTWDP.

The DOE provides the Annual TRU Waste Inventory Report (ATWIR). However, the data extrapolation is cumbersome to the public. The Task Force asks that the DOE provide a simple tracking process for legacy TRU waste that aids generator sites and regulators to better plan disposal of waste from their sites, and one that can be easily understood by the public. This also assists state and local response coordinators along the shipping corridor. The Task Force asks that this process be in place prior to the end of calendar 2025. Alternatively, DOE could provide an annual report on progress in the prioritization of disposal of legacy waste at WIPP.

Comment 5: The DOE should include notice within the LTWDP that some legacy waste will not be disposed of in New Mexico.

Pursuant to Permit Part 2, Section 2.14.3, the DOE is required to document details summarizing its progress toward siting another repository for TRU waste in a state other than New Mexico. Throughout the LTWDP, WIPP is identified as the disposal site for TRU waste. The Task Force asks that the DOE include language in the LTWDP that indicates some legacy TRU and legacy TRU mixed waste will be stored in a facility outside of New Mexico.

From: Mayor Office
Sent: Monday, January 06, 2025 4:45 PM
To: LTWDP
Subject: TRU Waste Disposal Plan
Attachments: Mr John David Nance Bureau Chief Hazardous Waste.pdf

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The message to LTWDP@wipp.doe.gov on Mon Jan 06 2025 16:45:21 contains a file attachment:
Mr John David Nance Bureau Chief Hazardous Waste.pdf
that may have been dropped.

Please see the attached letter.

Thank you

--

Wanda Caddell Aguilar
Executive Assistant to Mayor Rick Lopez



RICHARD D. LOPEZ
MAYOR

Post Office Box 1569
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WENDY D. AUSTIN
CITY ADMINISTRATOR

January 3, 2025

Mr. John David Nance, Bureau Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Comments on Legacy TRU Waste Disposal Plan, Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Dear Mr. Nance:

On behalf of the City of Carlsbad and the Carlsbad Mayor's Nuclear Task Force, I am submitting this letter in support of the draft Legacy TRU Waste Plan presented to the New Mexico Environment Department on November 4, 2024. The task force, composed of dedicated business and community leaders from Carlsbad and Eddy County, has long advocated for responsible and forward-looking approaches to nuclear waste management.

This proposed plan takes a vital and pragmatic stance by defining all plutonium created for weapons production as "legacy" waste, whether stored or newly generated from the disposal of surplus weapons material. Such an approach reflects the importance of addressing our nation's critical cleanup efforts, including ongoing projects at sites like Hanford, which will play a dominant role in TRU waste shipping into Panel 12 operations.

Equally important, the plan wisely considers the "newly" generated waste expected from the National Nuclear Security Administration's (NNSA) nuclear weapons refurbishment and modernization activities at Los Alamos and Savannah River sites. Proactively planning for the safe disposition of this material is not only prudent but also essential to avoiding the need for future environmental remediation efforts.

The Waste Isolation Pilot Plant (WIPP) has proven to be a cornerstone of the nation's commitment to cleaning up legacy TRU waste, and its role remains critical in fulfilling this honorable obligation. The City of Carlsbad and the Carlsbad Mayor's Nuclear Task Force firmly believe in the continued importance of WIPP and the national responsibility it upholds.

I would like to commend the thoughtful and diligent work that went into developing this Legacy TRU Waste Plan. Its sensible and strategic approach provides a clear pathway for safeguarding public health and ensuring responsible environmental stewardship.

Thank you for considering our support of this essential initiative.

Sincerely,

Mayor Richard Lopez
City of Carlsbad, NM

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
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MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

From: Steve Zappe
Sent: Monday, January 06, 2025 12:09 AM
To: Megan McLean
Cc: LTWDP
Subject: Comments on WIPP Legacy TRU Waste Disposal Plan
Attachments: Zappe Comments on Nov 04 2024 WIPP LTWDP.pdf

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The message to ltwdp@wipp.doe.gov on Mon Jan 06 2025 00:09:16 contains a file attachment: Zappe Comments on Nov 04 2024 WIPP LTWDP.pdf that may have been dropped. Please see my attached comments on the WIPP Legacy TRU Waste Disposal Plan. Thank you.

Steve Zappe

Steve Zappe

Ms. Megan McLean
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

January 3, 2025

Megan,

I am submitting comments on the November 4, 2024 Legacy TRU Waste Disposal Plan (**Plan**) submitted by the US Department of Energy (**DOE**) Carlsbad Field Office and Salado Isolation Mining Contractors, LLC (**Permittees**) to the New Mexico Environment Department (**NMED**), to satisfy the requirements of Permit Part 4, Section 4.2.1.5 the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**). I have also submitted these comments to the Permittees via email as provided on the their Plan web page.

Permit Part 4, Section 4.2.1.5 states the following:

“The Permittees shall define legacy TRU and TRU mixed waste and develop the Legacy TRU Waste Disposal Plan (Plan). The Plan will be developed in consultation with the generator/storage sites and stakeholders. Consultation with stakeholders shall begin within 90 days of the effective date of this Permit. The Plan shall be submitted to the Secretary within one year of the effective date of this Permit. The Permittees shall seek public input for 60 days following the submittal of the Plan and submit received comments to the Secretary. To the extent practicable as articulated in the final Plan, Panel 12 will be reserved for the disposal of legacy TRU mixed waste.”

The requirement can be distilled into two steps:

1. Define legacy TRU and TRU mixed waste; and
2. Develop the Plan

At the conclusion of Section 2.0, Introduction/Background, the Plan devotes the final paragraph to the tension between acknowledging the concept of legacy waste being “generally understood,” while also acknowledging there is “no agreed-upon common definition of legacy waste.” This is somewhat analogous to the situation that led to one of the best-known phrases in the history of the Supreme Court – “I know it when I see it.”¹

¹ “I know it when I see it” - https://en.wikipedia.org/wiki/I_know_it_when_I_see_it

However, the paragraph also includes a sentence that could provide insight to how examples of, and exceptions to, a definition of legacy waste could be crafted:

“Much of the waste associated with cleanup of legacy sites – such as those in the Department of Energy (DOE) Office of Environmental Management (EM) Program – could be expected to be considered legacy waste.” (Plan, p. 5)

I’ll return to this topic shortly.

Definition of Legacy Waste

In Plan Section 4.0, after describing the consideration of various factors that would play a role in defining legacy waste, the Permittees unveil their definition of Legacy TRU and Legacy TRU mixed waste:

“Legacy TRU and Legacy TRU mixed waste is defense-related TRU waste generated from past defense activities and placed in retrievable storage since 1970 or generated from the safe cleanup and risk reduction of the environmental legacy resulting from decades of nuclear weapons development and past defense-related testing and research.” (Plan, p. 7)

In justifying this definition, the Permittees admit, *“This definition broadly encompasses waste generated from the full range of activities that have the objective of addressing and reducing risks from the longstanding legacy of previous defense nuclear activities.”* In other words, practically all TRU and TRU mixed waste that meets the WIPP Waste Acceptance Criteria (WAC) could qualify as legacy waste under this definition. This is overly broad and could be scaled back from being all-inclusive by specifying an appropriate end date and other relevant exclusions.

Examples of Included and Excluded Wastes from Definition

The Plan attempts to narrow the scope of the legacy waste definition in Section 4.3, Description of Legacy TRU Waste (Plan, pp. 8-9). For example, the Plan lists six examples of defense-related wastes that would be included in the legacy waste definition and one example that would be excluded. This list of what would be excluded is helpful, because I suggested at the Permittees’ WIPP Informational Meeting on September 23, 2024 that they state explicitly what would be excluded from what otherwise qualified as legacy waste. The one example of what would be excluded is:

*“... ongoing operations and defense-related research programs that do not have a clear objective to reduce risk at TRU generator sites from historical activities or materials. **An example of this waste is job control waste from pit production.**”* (Plan, p. 9)

The National Nuclear Security Administration (NNSA) is responsible for funding and overseeing future plutonium pit production as part of its mission to maintain and

modernize the U.S. nuclear weapons stockpile. Thus, waste generated from pit production is not related in any way to legacy waste, and is thus appropriately excluded.

However, there is one example listed in the list of wastes of what would be included as legacy waste that seems inconsistent with the others in the list:

“... TRU waste resulting from stabilization and management of plutonium declared excess to national security and purposefully made unavailable and unsuitable for the purpose of re-use in nuclear weapons.” (Plan, p. 8)

This assertion that excess plutonium, “purposefully made unavailable and unsuitable for reuse in nuclear weapons” (otherwise known as surplus plutonium treated by a complex “dilute and dispose” strategy), can be considered legacy waste is controversial with some members of the public. NNSA’s preferred alternative for dispositioning of surplus plutonium via dilute and dispose at WIPP was initially announced by Secretary of Energy Rick Perry in a May 10, 2018 letter to Congress², and the final Surplus Plutonium Disposition Program EIS was issued on January 19, 2024³. Although the Permittees state in the Plan that “[s]uch [legacy waste disposal] activities entail ...removal of defense nuclear materials from use or production for disposal, to achieve risk reduction and for nonproliferation purposes” (Plan, p. 7), this argument appears to have been created specifically to justify including dilute and dispose waste as an example of legacy waste.

Risk reduction is generally recognized as a key part of DOE EM’s mission, but non-proliferation is clearly central to NNSA’s mission and historically unrelated to DOE EM’s core mission. Likewise, WIPP is funded primarily by DOE EM, which oversees WIPP’s budget and operations, whereas dilute and dispose is funded entirely by NNSA, which intends to use EM’s WIPP facility for dispositioning its waste.

A search of the Internet Archive [web.archive.org] for the website [https://www.energy.gov/em/mission] reveals a major revision of the text describing EM’s Mission before (1/31/2018) and after (10/12/2018) Secretary Perry’s May 10, 2018 letter. It was only in the after version of the text that the mission included, “... the need to... safeguard and prepare for disposition of nuclear materials that could be used in nuclear weapons.” This phrase has persisted up to the current version of the EM Mission webpage.

One more point of contrast... an internet search for the term “legacy waste” yields nearly 150 relevant results from [energy.gov/em], while the same search yields only 12 relevant result from [energy.gov/nnsa], most of which discuss the overlap of NNSA and EM responsibilities at LANL.

² Letter from DOE Secretary Rick Perry, re: Waiver to cease MOX construction & redirect funds for plutonium dilute & dispose program, May 10, 2018, https://www.lasg.org/MPF2/PerryLtr-MOX-D&D-MFFF_10May2018.pdf

³ “NNSA issues final Surplus Plutonium Disposition Program Environmental Impact Statement,” January 19, 2024, <https://www.energy.gov/nnsa/articles/nnsa-issues-final-surplus-plutonium-disposition-program-environmental-impact>

A Better Measure of Included/Excluded from Definition

The point of this discussion is to draw a clear distinction between EM and NNSA in determining which waste should be eligible for consideration to be included in the legacy waste determination versus excluded from consideration. “Legacy waste” really exists in the EM world. It has zero relevance in the NNSA world. Thus, the best dividing line between what could qualify as legacy waste is funding source:

- Any waste funded by EM would be included for consideration as legacy waste; and
- Any waste funded (in full or more than 50%) by NNSA would be categorically excluded from consideration as legacy waste

The first bullet is consistent with the point I made at the top of page 2 earlier. The second bullet would use funding source as a clear basis for excluding diluted surplus plutonium from consideration as legacy waste. This exclusion, for example, would resolve the concern expressed by the Oregon Department of Energy’s December 18, 2024 comments on the LTWDP:

*“We acknowledge the complexity and multifaceted approach needed to develop this definition. **We do question the inclusion of the down-blended NNSA “dilute and dispose” waste as Legacy TRU. While safe and permanent disposal of this material is important, we consider it to be outside of the activities associated with remediating the legacy of the weapons complex.** We are concerned that the significant volume increase associated with the down-blending process will prevent Panel-12 placement of remediation wastes which must be removed from the accessible environment, for example, contaminated soil or other wastes from the Hanford site.”*

I recommend that the intent of this categorical exclusion of NNSA waste replace the existing exclusionary language under Section 4.3 of the Plan.

Limitations on Legacy TRU Waste Definition

I have no issues with the limitations of the revised definition (e.g., incorporating an ending date, changes based upon other comments, etc.) of legacy waste. The original intent of negotiations to incorporate Section 4.2.1.5 into the Permit was to clearly reserve Panel 12 for the disposal of legacy waste. The definition does not need to be watered down to accommodate any and all minor exceptions in existing definitions of other sites or agreements. Again, I support an appropriate edit to add an end date to the definition of what constitutes legacy waste.

To the Extent Practicable

The Permittees should make a stronger commitment to convince DOE EM senior management to prioritize funding for generator/storage sites’ retrieval, characterization, certification, and shipment of legacy waste to ensure the greatest inventory of certified

legacy waste available for disposal in Panel 12. I recommend that all NNSA waste either be explicitly excluded from disposal in Panel 12, or assigned the lowest priority of all certified non-legacy waste that may be candidates for disposal in Panel 12.

Conclusion

I will rely on other stakeholders to provide comments on topics and sections of the Plan that I failed to address. I look forward to the Permittees' response to these public comments and subsequent actions by NMED.

As always, please feel free to contact me if you have any questions about my comments.

Sincerely,



Steve Zappe

Cc: LTWDP@wipp.doe.gov

From: Jack Allen
Sent: Saturday, January 04, 2025 7:38 PM
To: LTWDP
Subject: WIPP HWPermit

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for information.

By email: LTWDP@wipp.doe.gov

December 2024

Dear New Mexico Environment Department,

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their *Legacy Waste Disposal Plan*, as required in that permit.

The *Plan* as submitted by the DOE is clearly inadequate.

In many respects the *Plan* violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE to rewrite parts of the *Plan*, so that the following provisions are clearly defined and strictly enforced:

1. *Legacy Waste* must be defined as having been generated by 1999, when WIPP opened.
2. *Legacy Waste* is prioritized, especially LANL *Legacy Waste*.
3. Provisions must be added to the *Plan* requiring DOE to support generator sites in their work to process their *Legacy Waste*, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.
4. Finally the *Plan* must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. *The Legacy Waste Disposal Plan* as submitted violates all those promises made to the State and the people of New Mexico.

We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the *Legacy Waste Disposal Plan*.

Thanks for your consideration.

Sincerely,

John Allen

[Sent from Yahoo Mail for iPhone](#)

From: Joni Arends
Sent: Friday, January 03, 2025 11:09 PM
To: LTWDP
Subject: CCNS Comments about DOE/SIMCO Legacy TRU Waste Disposal Plan

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Santa Fe, NM 87594-1147

505 986-1973

nuclearactive.org

January 3, 2025

By email to: LTWDP@wipp.doe.gov

Dear New Mexico Environment Department:

Concerned Citizens for Nuclear Safety (CCNS) submits our comments about the November 4, 2024 Department of Energy (DOE) and Salado Isolation Mining Contractors, LLC (referred to collectively as the Permittees) Legacy TRU Waste Disposal Plan (LTWDP) to DOE for submission to the New

Mexico Environment Department Hazardous Waste Bureau (NMED HWB), a key regulator of the Waste Isolation Pilot Plant (WIPP).

CCNS is a non-profit organization based in Santa Fe, New Mexico. CCNS formed in 1988 to address community concerns about the proposed transportation of transuranic and hazardous waste from Los Alamos National Laboratory (LANL) to the proposed WIPP site through Santa Fe on St. Francis Drive. Since that time, CCNS has been worked to establish in the public's mind the connection between WIPP and two DOE generator sites in New Mexico: LANL and Sandia National Laboratories. CCNS has provided testimony to congressional committees, produced a weekly CCNS News Update broadcast and social media posts about WIPP and other DOE issues, and litigation. Our mission is to protect all living beings and the environment from the effects of radioactive and other hazardous materials now and in the future.

CCNS was a party to the 2023 negotiations for a renewed WIPP Hazardous Waste Permit (HWP) in which three new permit conditions were added to address the need to hold the Permittees accountable to get the waste off the hill at LANL and out of Sandia National Laboratories in New Mexico; to establish another nuclear waste repository in a state other than New Mexico; and to establish and implement the LTWDP. The Permittees agreed to and signed off on the new conditions, as well as the final renewal permit. NMED and non-governmental organizations and individuals also agreed and signed off on the final renewal permit.

CCNS finds key components of the LTWDP to be incomplete and inadequate and not in compliance with the HWP for WIPP, specifically Section 4.2.1.5, requiring the LTWDP. The LTWDP, in its current version, does not protect human health and the environment.

The Plan ignores promises DOE made to New Mexico and New Mexicans. WIPP was sold as a pilot project to clean up Cold War legacy waste at LANL, Sandia and other DOE sites across the county; as a test case for deep geologic nuclear waste disposal; and after 25 years of operations, to close in 2024. The DOE's Plan as submitted violates those promises and in many respects, violates the HWP requirements.

CCNS was surprised by the Permittees attempts to:

- delay preparing and shipping LANL waste for disposal in Panel 8, 11 or 12 before the end of the permit term. Plan, Section 5.1, p. 9 of 24.

- limit the definition of “legacy TRU Waste” to the Plan. Plan, Section 4.4, p. 9 of 24.
- omit an explanation of “pit production job control waste.” Plan, Section 6.0, p. 15 of 24.
- ignore requests for more information about the Energy Communities Alliance (ECA) survey, including the total number of completed surveys and number of the response to each question. Plan, Section A2 at 2.1, pp. 19-20 of 24.
- state LANL has “some storage limitations for operations related waste” without explaining where and what facilities are impacted by those storage limitations. Plan, Section 2.2.5, p. 23 or 24.

These are a few of the reasons why CCNS and our members are in full support of the thorough and technically complete January 3, 2025 LTWDP comments submitted by Don Hancock of Southwest Research and Information Center (SRIC) that provide

conclusions, recommendations to NMED for the path forward, specific language that should be in a Compliant Plan and background for that language, and additional comments about other aspects of the November 4, 2024 Plan. p. 1.

The SRIC comments provide a clear path forward to a Compliant Plan that will protect public health and the environment.

CCNS fully supports the SRIC recommendation that NMED “issue a Compliant Plan consistent with key Permit conditions. SRIC’s suggested provisions, or similar ones, should be incorporated in the Compliant Plan.” p. 14.

Please contact CCNS with any questions or comments about this submittal. Thank you for your careful consideration of our comments.

Sincerely,

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety

From: Paige Murphy-Young
Sent: Friday, January 03, 2025 7:02 PM
To: LTWDP
Subject: Legacy TRU Waste Disposal Plan

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department:

Appreciating the multifarious pressures on your department (protecting New Mexico's residents, and its natural resources (water, fossil fuels and more), I request that the Department seriously reconsider the Legacy Transuranic disposal Plan released to the public on November 4, 2024.

The definition of legacy waste is controlled — not by DOE's new definition; and not by the privately negotiated permit conditions between NMED, DOE and representatives of various environmental/community groups — but by applicable statutes and rules.

For both New Mexico and DOE, primary authority concerning WIPP is the Waste Isolation Pilot Plant Withdraw Act, Public Law 102-579 (as amended by Public Law 104-201 (H.R. 3230, 104th Congress). This statute does not define "Legacy Wastes" . The definition of "legacy wastes" in the WIPP Transuranic Plan, however does not appear to be consistent with the governing definitions and standards applicable to WIPP nuclear wastes set forth in this controlling statute.

Not only should the November 2024 Legacy Transuranic Plan be seriously re-evaluated, but the current NMED permit should be re-opened. RCRA's public participation requirements for permits and permit revisions appear to have been violated by NMED's issuing a privately negotiated permit without providing the opportunity for public participation required under RCRA.

Thank you for your attention to these concerns.

Sincerely, Paige Murphy-Young

From: Roberto Roibal
Sent: Friday, January 03, 2025 2:51 PM
To: LTWDP
Subject: Public Comment on Tru Waste Disposal Plan at WIPP

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WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
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for information.

Dear NMED,

I am writing to you concerning the WIPP Hazardous Waster Permit agreement in 2023, and the subsequent November 4th Legacy Waste Disposal Plan submitted by DOE.

This plan is totally inadequate and does not truly protect the public. The DOE Plan actually violates the Permit Agreement. The plan should include the clear definition of Legacy Waste, this waste legacy waste should be defined as having been generated by 1999 when the WIPP site was opened. Legacy Waste is prioritized at WIPP and includes the Legacy Waste from Los Alamos National Laboratory.

I believe that New Mexico should not take the brunt of having all the nuclear waste coming to New Mexico. These wastes should also be disposed in other states. WIPP was designed simply as a pilot project to store cold war waste. It was supposed to be closed after 25 years of operation. It is totally unacceptable that this deadline be ignored by DOE.

Please abide by your mission to protect New Mexicans and require that DOE comply with the provisions in the Legacy Waste Disposal Plan.

Apparently New Mexico has been considered as a nuclear sacrifice zone. We in New Mexico are being severely impacted and have been impacted from uranium mining, to the development of the atomic bomb in Los Alamos, from nuclear waste transportation, from the disposal of nuclear waste at WIPP and let's not forget that the United States first bombed New Mexico at the Trinity Site where people are still dying of cancer. We also have several thousand nuclear missiles stored at Kirtland Air Force Base near Albuquerque, NM where they are still waiting to be decommissioned.

Thank you and please protect New Mexico. Enough is enough.

Respectfully,
Roberto Roibal

From: Scott Kovac
Sent: Friday, January 03, 2025 1:43 PM
To: LTWDP
Subject: Nuclear Watch NM LTWDP Comments

[You don't often get email from . Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests for information.

Date: January 3, 2025

By email to: LTWDP@wipp.doe.gov

Dear New Mexico Environment Department:

I appreciate your efforts to protect New Mexicans through the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Permit and the three new permit conditions that address the need for another nuclear waste repository in a state other than New Mexico; the need to prioritize and reduce risk of nuclear waste stored in New Mexico; and the need for a Legacy TRU (or transuranic) Waste Disposal Plan.

On November 4, 2024, the Department of Energy (DOE) submitted its inadequate Legacy Transuranic (TRU) Waste Disposal Plan (the Plan) to the New Mexico Environment Department (NMED).

The Plan ignores the promises DOE made to New Mexico and New Mexicans. WIPP was sold as a pilot project to clean up Cold War legacy waste, as a test case for deep geologic nuclear waste disposal, and to close in 2024 after 25 years of operations. The DOE's Plan as submitted violates those promises made by DOE and in many respects, violates the Permit requirements.

I urge the NMED to reject the Plan and to suggest language that complies with the Permit Condition 4.2.1.5 Legacy TRU Waste Disposal Plan. The following provisions must be clearly defined and strictly enforced by NMED:

Legacy Waste must be defined as having been generated before 1999, when WIPP opened.

In order to protect the 3,000 square mile regional Española Basin Sole Source Drinking Water Aquifer, LANL pre-1999 legacy waste must be prioritized for disposal now over other waste, including transuranic waste from expanded plutonium pit production at LANL and SRS.

Conditions must be added to the Plan requiring DOE to support generator sites to process their legacy waste so it may be disposed at WIPP when space is available in Panels 11 and 12 in the 2030 timeframe.

I am counting on NMED to require DOE to fully comply with your revised and compliant Legacy TRU Waste Disposal Plan. Thank you for your careful consideration of my comments.

Sincerely,
Scott Kovac
Nuclear Watch NM

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Scott Kovac Nuclear Watch New Mexico

From: Colton, Ingrid L
Sent: Friday, January 03, 2025 1:39 PM
To: LTWDP
Subject: LTWDP - Hanford comment

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
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for information.

The DOE Hanford Site Operations has several milestones in place with EPA and Ecology, one of which is the shipping of waste to WIPP.

The LTWDP states Hanford will start shipping waste to WIPP CY2026. This is incorrect. Our milestone states shipments to commence FY28. It is possible that Hanford may start shipments earlier in CY2027 but not likely.

I appreciate the opportunity to review the Legacy TRU Waste Disposal Plan and to offer my comment and feedback. We look forward to many more years of working together to complete the removal and safe disposal of waste safely and efficiently.

Respectfully,
Ingrid Colton
Waste Management and TRU Programs
Projects and Facilities Division (PFD)
Contractor to U.S. DOE – Corporate Allocation Services (CAS)

Date: January 3, 1943

Citizen Action New Mexico

Comments WIPP Expansion

By email to: LTWDP@wipp.doe.gov

New Mexico Environment Department:

CANM appreciates your efforts to protect New Mexicans through the Waste Isolation Pilot Plant(WIPP) Hazardous Waste Permit and the three new permit conditions that address the need for another nuclear waste repository in a state other than New Mexico; the need to prioritize and reduce risk of nuclear waste stored in New Mexico; and the need for a Legacy TRU (or transuranic) Waste Disposal Plan.

On November 4, 2024, the Department of Energy (DOE) submitted its inadequate Legacy Transuranic (TRU) Waste Disposal Plan (the Plan) to the New Mexico Environment Department (NMED).

The Plan ignores the promises DOE made to New Mexico and New Mexicans. WIPP was sold as a pilot project to clean up Cold War legacy waste, as a test case for deep geologic nuclear waste disposal, and to close in 2024 after 25 years of operations.

The DOE's Plan as submitted violates those promises made by DOE and in many respects, violates the Permit requirements. CANM urges the NMED to reject the Plan and to suggest language that complies with the Permit Condition 4.2.1.5 Legacy TRU Waste Disposal Plan. The following provisions must be clearly defined and strictly enforced by NMED: Legacy Waste must be defined as having been generated before 1999, when WIPP opened. In order to protect the 3,000 square mile regional Española Basin Sole Source Drinking Water Aquifer, LANL pre-1999 legacy waste must be prioritized for disposal now over other waste, including transuranic waste from expanded plutonium pit production at LANL and SRS.

Additionally, the Sandia National Laboratories Mixed Waste Landfill contains legacy TRU Waste from prior to 1999 that should be considered for potential disposal at WIPP.

Conditions must be added to the Plan requiring DOE to support generator sites to process their legacy waste so it may be disposed at WIPP when space is available in Panels 11 and 12 in the 2030 time frame. CANM is counting on NMED to require DOE to fully comply with your revised and compliant Legacy TRU Waste Disposal Plan. Thank you for your careful consideration of CANM comments.

Respectfully submitted,

Dave McCoy, JD

Citizen Action New Mexico

Executive Director

Via email: LTWDP@wipp.doe.gov

January 3, 2024

To: U.S. Department of Energy and New Mexico Environment Department

Subject: DOE Legacy Transuranic Legacy Waste Disposal Plan

I appreciate your efforts to protect the public health and welfare of New Mexico citizens and communities in the WIPP Hazardous Waste Permit agreement of 2023. On Nov 4, 2024, the U.S. Department of Energy (DOE) submitted a *Transuranic Legacy Waste Disposal Plan*, as required by the Permit.

However, the *Transuranic Legacy Waste Disposal Plan* submitted by the DOE does not comply with important provisions in the Permit Agreement.

I urge NMED and DOE to revise the *Transuranic Legacy Waste Disposal Plan* to include additional provisions to ensure that the following issues are clearly addressed and enforceable:

1. The disposal of *Transuranic Legacy Waste* at the Waste Isolation Pilot Plant, or WIPP, must be clearly defined as Cold War nuclear waste in existence prior to 1999, when WIPP opened.
2. The disposal of *Transuranic Legacy Waste* at WIPP must continue to be prioritized, especially LANL *Legacy Waste*.
3. Provisions must be added to the *Plan* that require DOE to ensure that all legacy waste identified for disposal at WIPP meets current eligibility requirements and volume limitations.

A schedule identifying the type of waste to be shipped, compliance with eligibility requirements, and expected date of shipment must be submitted to New Mexico regulators and published on DOE's public website.

4. The *Transuranic Legacy Waste Plan* should be limited to Legacy Waste in existence prior to 1999. Any proposed expansion of transuranic legacy waste eligible for disposal at WIPP must demonstrate progress towards the identification of alternative repository sites in other states before additional nuclear defense waste is created.
5. Further, any proposed expansion of WIPP's mission beyond the disposal of transuranic legacy waste must also be vetted by the public under a new NEPA analysis.

Need for New Environmental Impact Analysis

Over two decades ago, the DOE assured New Mexicans that WIPP was a pilot project for the deep geologic disposal of existing Cold War nuclear waste that would be closed after 25 years of operation. The *Transuranic Legacy Waste Disposal Plan*, as submitted, violates the promises made to the state of New Mexico and its citizens.

Any expansion of WIPP's original mission without our consent will subject New Mexicans to new and continuing exposures along the transportation route as more dangerous and volatile forms of nuclear waste are transported across rivers and streams on our public highways to WIPP for permanent disposal throughout our collective lifespans. The quality of our air, land, and water could be irreversibly damaged by a single accidental release.

We must be given an opportunity to challenge any proposed expansion of WIPP's mission beyond our original agreement. Our public health and welfare, both now and into the future, our homelands and sacred landscapes are at stake.

We demand your utmost consideration of the issues we have raised. Our collective future hangs in the balance.

Submitted by:

L. Watchempino

LTWDP@wipp.doe.gov

To Whom It May Concern,

The communities of New Mexico were represented by nine NGOs in the days that it took to negotiate the current WIPP permit. The state, the city of Carlsbad, WIPP's major contractor, SIMCO and the Department of Energy were all represented at the table. We all signed the agreement that would designate panel 12 as a repository for legacy waste. We all understood that legacy waste was the waste that was contaminating the air and water of the communities surrounding Los Alamos National Labs and other communities surrounding World War II and cold war era federal waste facilities and dumps.

The Department of Energy's legacy waste plan does not reflect that understanding, nor the agreement that the Department as well as others signed on to, nor the WIPP permit itself. The good faith efforts of all involved are disregarded by the DOE legacy waste plan. The DOE plan seems like a cursory effort at best. We wonder what the plan would be like if the authors lived downwind from a contaminating federal nuclear facility as the members of the Los Alamos Downwind Neighbors do. Perhaps then there would be true consideration of the suffering that LANL has caused in downwind and down gradient communities and due respect for the community representatives who were at the table giving, in most cases, their volunteer time to carve out a better future for their communities. When we talk about disposing of legacy waste we are talking about saving people's lives. It is not a subject to take lightly.

There are no health studies for the communities surrounding LANL. Anecdotally, we know that cancer is rampant and that nerve related illnesses are also prominent. (The New Mexico citizens who live downwind from the Trinity Test have never been compensated for the illnesses they contracted and the deaths their families continue to endure, unlike those from other states.)

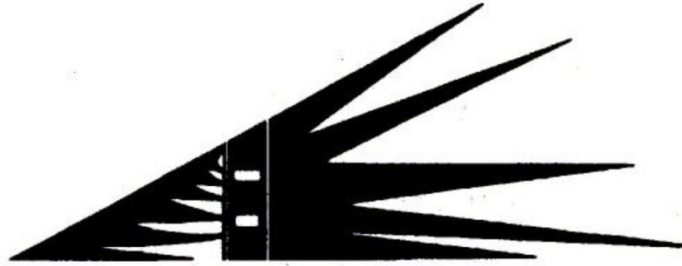
Missing in the report: a definition of legacy waste that reflects the reality of the contamination affecting communities surrounding federal nuclear facilities, especially the legacy waste from past bomb making at Los Alamos National Laboratories; support for generator sites to retrieve that waste and send it to WIPP; a sincere search for an alternative to WIPP so that states other than New Mexico share the growing burden of radioactive waste from nuclear bomb-making.

The Department of Energy needs to learn to give more respect to human life. That respect needs to be tightly woven into all their reports and actions. The cursoriness of this report shows the opposite, a disregard for community efforts and the representatives who made those efforts and their core concern: the health of their constituents and all New Mexicans.

Los Alamos Downwind Neighbors find this report to be highly inadequate and recommend that it be rejected by the New Mexico Environment Department.

Sincerely,

Jean Nichols and Janet Greenwald for Los Alamos Downwind Neighbors



SOUTHWEST RESEARCH AND INFORMATION CENTER

P.O. Box 4524 Albuquerque, NM 87196 505-262-1862 FAX: 505-262-1864 www.sric.org

January 3, 2025

Dear New Mexico Environment Department:

Southwest Research and Information Center (SRIC) was an active participant in the June 2023 WIPP Renewal Permit process and in the negotiations that created the Section 4.2.1.5 Legacy TRU Waste Disposal Plan. That section was necessary because while WIPP was conceived and designed for disposal of Cold War legacy transuranic (TRU) waste, in recent years DOE is planning to expand WIPP for non-legacy waste. Such non-legacy waste includes waste from new plutonium pit production and from “surplus” plutonium that includes increased volumes and radioactively compared with most legacy TRU waste. The Legacy Plan section also relates to two other Renewal Permit sections: (1) Section 4.2.1.4 regarding the prioritization of Los Alamos National Lab (LANL) waste to ensure that New Mexico generated waste can be disposed in the permitted panels and (2) Section 2.14.3 requiring an annual report of siting an additional repository in another state so that there would be other waste repositories and New Mexico would not solely bear the burden of all TRU waste disposal.

These comments provide SRIC’s conclusions, recommendations to NMED for the path forward, specific language that should be in a Compliant Plan and background for that language, and additional comments about other aspects of the November 4, 2024 Plan (“11/4 Plan”).

As always, SRIC is prepared to discuss with NMED and interested parties the process and details of a compliant WIPP Legacy TRU Waste Disposal Plan.

1.0 Conclusions

1.1 The Legacy Waste Plan as submitted on November 4, 2024 is inadequate and does not comply with the requirements of the Section 4.2.1.5 and other key sections of the Permit. Thus, NMED must issue and enforce a Compliant Plan.

1.2 A Compliant Plan will define legacy waste as waste that existed and was managed as TRU waste when WIPP was opened in 1999.

1.3 A Compliant Plan will detail how the Permittees will assist four generator sites – Idaho, LANL, Oak Ridge (OR), and Savannah River (SRS) – to prioritize their legacy waste characterization, packaging, and shipments so as to ensure all legacy waste from those four sites is disposed during the term of the Permit, as required by Section 4.2.1.5.

1.4 A Compliant Plan will provide for the prioritization of LANL legacy waste, as required by Section 4.2.1.4.

1.5 A Compliant Plan will provide that, to the extent practicable, permitted panels are reserved for legacy waste.

1.6 A Compliant Plan will detail how legacy waste that is not emplaced during the term of the Permit could be disposed, including the amounts and timeline for its disposal in an additional repository in a state other than New Mexico, as required by Section 2.14.3.

2.0 Recommendations for the Path Forward to finalize a Compliant Plan

Section 4.2.1.5 explicitly requires a 60-day public comment period after the Permittees submit their plan, clearly indicating that NMED must consider those comments before exercising its authority, pursuant to the New Mexico Hazardous Waste Act and Permit Section 1.10.2, to approve, disapprove, or modify this required submission. NMED also has authority under 20.4.1.901(B) NMAC to modify the Permit.

Despite having more than 16 months since agreeing to the Renewal Permit to develop a compliant Plan, the Permittee's 11/4 Plan is noncompliant. NMED cannot approve the Plan and must require a Compliant Plan that will be implemented by the Permittees and strictly enforced by NMED.

In the current situation where the Permittees are apparently incapable of developing a Compliant Plan and are shipping any waste they desire, including non-legacy waste, it is important to have a Compliant Plan in force. Therefore, NMED should modify the 11/4 Plan and issue the Compliant Plan as soon as possible.

SRIC acknowledges NMED's authority to modify the 11/4 Plan and require the Permittees to comply. NMED can issue such a revised Plan based on the 11/4 Plan, public comments, and any additional relevant information that NMED has. SRIC encourages NMED to proceed expeditiously to issue such a Compliant Plan.

3.0 Specific provisions to be included in a Compliant Plan

3.1 **Definition of Legacy TRU and Legacy TRU mixed waste**

Legacy TRU and Legacy TRU mixed waste is defense-related TRU waste

generated from defense activities and managed as TRU waste as of 1999, when WIPP opened. Any waste or material that does not meet that definition is “non-legacy” waste.

3.2 **Identification of Legacy TRU waste and TRU mixed waste storage sites**

On November 4, 2024, the following DOE sites stored legacy TRU and TRU mixed waste: Hanford, WA; Idaho National Lab, ID; Los Alamos, NM; Oak Ridge, TN; and Savannah River Site, SC. The Permittees shall report to NMED within 60 days of approval of the Compliant Plan of the actions to ensure that all legacy waste from Idaho, LANL, OR, and SRS is disposed at WIPP during the term of the Permit. The Permittees shall report annually on the results of the actions to prioritize such legacy waste disposal and further actions to ensure that all legacy waste from those sites is disposed at WIPP during the term of the Permit.

3.3 **Tracking of Legacy TRU waste and TRU mixed waste**

As of the date that the Legacy Waste Plan is approved, all legacy TRU and TRU mixed waste containers not then emplaced at WIPP shall be identified in the WIPP Waste Information System (WWIS) Database, including the WDS/WWIS Public Access System, as provided in Permit Section 2.3.1.7.

3.4 **Prioritization of LANL waste**

Beginning no later than January 1, 2026, the annual certification of LANL waste, pursuant to Permit Section 4.2.1.4, shall identify in which permitted HWDU the LANL TRU and TRU mixed legacy waste are currently expected to be emplaced. The certification shall describe how all LANL waste will be disposed while the permit remains in effect.

3.5 **Reserving Panels for legacy waste during the term of the Permit**

To the extent practicable as articulated in the Final Plan, permitted HWDUs will be reserved for disposal of legacy TRU and TRU mixed waste at WIPP.

3.6 **Managing the legacy waste inventory after the term of the Permit**

The annual report required by Section 2.14.3 shall identify legacy waste and non-legacy waste planned for disposal in an additional repository in a state other than New Mexico. DOE also shall report annually on plans to store TRU waste and TRU mixed waste if WIPP is not receiving waste and an additional repository in another state is not operational.

4.0 Background for specific provisions in a Compliant Plan.

4.1. Compliant Definition of Legacy TRU and Legacy TRU mixed waste.

WIPP was conceived in the 1970s and developed in the 1980s for disposal of Cold War Legacy Waste. The Cold War ended when Germans began to demolish the Berlin Wall on November 9, 1989, and with the dissolution of the Soviet Union on December 25, 1991.¹ Thus, an appropriate end date for the definition of legacy waste would be the end of 1991.

An earlier appropriate end date for legacy TRU waste generation would be when the Rocky Flats Plant, the principal generator of Cold War TRU waste, was raided by the FBI in June 1989 and formally ceased operations in November 1989.²

However, WIPP did not begin receiving waste until March 26, 1999. After Rocky Flats operations ended, DOE managed TRU waste at various sites with the intention that the waste would go to WIPP. Thus, SRIC can support a reasonable later end date of 1999 in the definition of legacy TRU waste.

The practical impact on DOE legacy waste sites from using the 1999 date is minimal. According to the 11/4 Plan Appendix A, Hanford defines legacy waste as being stored or generated prior to June 2000. at 21. Since Hanford ceased operations several years before 1999, little or no TRU waste would have been generated after 1999.

Idaho National Lab defines legacy waste as being generated prior to October 1995. at 22. Thus, the 1999 date would have no effect on its remaining legacy waste volume.

LANL has an October 1, 1999 date for legacy waste. at 23. Thus, the 1999 date should have little or no effect on its remaining legacy waste volume.

Oak Ridge legacy waste is primarily defined by the Site Treatment Plan (STP). at 23. Table 4.1 of the STP shows that as of 9/30/2023 there were 1,479 m³ of Mixed TRU waste under the STP. Of that volume, more than 2/3s is sludge, and some of that sludge is low-level waste, which would not be disposed at WIPP.³ How much of that waste was generated and managed as TRU waste as of 1999 is not stated. The 11/4 Plan states that ORNL-EM waste will be shipped to WIPP prior to the start of operations in Panel 12. at 15. Thus, the 1999 date should have little or no effect on the remaining OR TRU legacy waste volume.

Savannah River Site defines legacy waste as prior to the 2014 WIPP events. at 24. That date is not supported by any document, since the referenced April 12, 2019 “direction memo” has not been released, despite numerous SRIC requests. But SRS officials

¹ <https://history.state.gov/departments/history/short-history/berlinwall>

² <https://ehss.energy.gov/ohre/new/findingaids/epidemiologic/rockyfire/intro.html>

³ <https://ucor.com/wp-content/uploads/2024/02/STP.pdf> at 4A-1

have identified and calculated of its legacy waste volumes from prior to 2014 that are publicly available in presentations to the SRS Citizens Advisory Board. On May 25, 2010, DOE reported on the “Legacy TRU Program Waste Disposition,” including “Disposition of 5,000 m³ remaining legacy CH-and RH-TRU wastes” with a completion date of shipments to WIPP by 2012.⁴ On January 27, 2015, DOE reported that 11,063 m³ of “TRU-Legacy” waste had been disposed at WIPP of the total amount of 11,600 m³.⁵ At the September 2024 SRS CAB meeting, DOE reported that the remaining volume of legacy TRU waste was 167.01 m³.⁶ Thus, the 1999 date for legacy waste would have minimal impact on the remaining SRS legacy waste volume.

The 11/4 Plan states: “The South Carolina Settlement Agreement requires removal of 9.5 metric tons of surplus plutonium from the state of South Carolina by December 31, 2036.” at 15. The federal statute (50 U.S.C. 2566) and that Agreement do not require removal of the waste, but the Agreement provides a \$600 million payment by DOE to South Carolina in 2020 and for further financial payments to South Carolina if 9.5 metric tons of “defense plutonium” is not removed from the state by January 1, 2037. The implication that the Settlement Agreement relates to WIPP is false. *The Agreement is not about and does not mention TRU waste or TRU mixed waste. The Agreement does not mention WIPP or disposal of any of the subject plutonium at WIPP. The Agreement does not require that any of the waste to be removed from South Carolina by 2037 will come to New Mexico.* None of that “defense plutonium” was managed as TRU waste in 1999 and none of it should be defined as legacy TRU or TRU mixed waste. Under federal law that “defense plutonium” is “weapons-usable plutonium.”⁷ Weapons-usable plutonium is not TRU waste and cannot legally be disposed at WIPP.

Permit Section 2.3.3.8 has always referred to how TRU waste has been managed, and it is consistent to use similar language in the legacy waste definition.

Therefore, using a 1999 date for defining legacy TRU waste is reasonable and practical. Using the 11/4 Plan definition is contrary to the agreements and provisions in the Renewal Permit and to the history, purpose, and limitations on WIPP. See also Section 5.1 below.

Thus, a Compliant Plan will include:

⁴ https://cab.srs.gov/library/meetings/2010/fb/fb_tru_program_update_may_2010.pdf at slides 6-11.

⁵ <https://cab.srs.gov/library/meetings/2015/fb/RichOlsenCABPerfMeasures012715Rev1.pdf> at slides 8 and 12.

⁶ <https://cab.srs.gov/library/meetings/2024/ms/4.%20Legacy%20TRU%20Waste.pdf> at Slide 7. In FY 24, SRS was making more non-legacy waste shipments than legacy shipments. at slide 5.

⁷ 50 U.S.C. 2566 (h)(3).

Definition of Legacy TRU and Legacy TRU mixed waste

Legacy TRU and Legacy TRU mixed waste is defense-related TRU waste generated from defense activities and managed as TRU waste as of 1999, when WIPP opened. Any waste or material that does not meet that definition is “non-legacy” waste.

4.2 Compliant identification of remaining sites with legacy TRU waste

Section 4.2.1.5 requires the Plan to be developed “in consultation with the generator/storage sites and stakeholders,” which requires that those sites be specifically identified in a Compliant Plan. The WIPP website homepage states: “WIPP has been disposing of legacy transuranic (TRU) waste since 1999, cleaning up 22 generator sites nationwide.” Many DOE sites have completed sending their legacy waste to WIPP. The 11/4 Plan states that there was consultation with Argonne, Hanford, Idaho National Lab, Livermore, Los Alamos, Oak Ridge, Savannah River. Appendix A.

Of the seven sites with which consultations occurred, Argonne has not identified any more legacy waste. at 21. Livermore has not identified having more legacy waste. at 23.

Thus, DOE has identified five sites with remaining legacy TRU waste that could meet the compliant definition. Of those five sites, the 11/4 Plan states that INL, SRS-EM, and LANL can send virtually all legacy waste to WIPP by 2033, during the term of the Permit. at 14. The 11/4 Plan further states that INL-EM, LANL-EM, ORNL-EM, and SRS-EM legacy waste inventories will be shipped prior to the Panel 12 operations start date of 2033. at 15.

The Compliant Plan should require that the Permittees assist those four sites to characterize, package, and ship their legacy waste to WIPP during the term of the Permit. To encourage and enforce such assistance, the Compliant Plan should require an annual report of the actions taken and results thereof to prioritize that such legacy waste is being disposed in the permitted panels. Thus, a Compliant Plan will include:

Identification of Legacy TRU waste and TRU mixed waste storage sites

On November 4, 2024, the following DOE sites stored legacy TRU and TRU mixed waste: Hanford, WA; Idaho National Lab, ID; Los Alamos, NM; Oak Ridge, TN; and Savannah River Site, SC. The Permittees shall report to NMED within 60 days of approval of the Compliant Plan of the actions to ensure that all legacy waste from Idaho, LANL, OR, and SRS is disposed at WIPP during the term of the Permit. The Permittees shall report annually on the results of the actions to prioritize such legacy waste disposal and further actions to ensure that all legacy waste from those sites is disposed at WIPP during the term of the Permit.

4.3 Compliant tracking of Legacy TRU waste and TRU mixed waste

The waste that meets the compliant legacy waste definition at those five sites must be tracked so that WIPP, the sites, NMED, and the public know what legacy waste is being shipped to and emplaced at WIPP. Such tracking can also show how much legacy waste remains to be disposed in the permitted panels at WIPP, which is essential to determine whether legacy waste is being prioritized for disposal, as compared with non-legacy waste. The 11/4 Plan states: “This definition applies after the effective date of this Plan (November 4, 2024).” at 9.

Such tracking should be done in the WIPP Waste Information System (WWIS) Database, which is required by the Permit and tracks all waste at WIPP, including its emplacement location. Thus, a Compliant Plan will include:

Tracking of Legacy TRU waste and TRU mixed waste

As of the date that the Legacy Waste Plan is approved, all legacy TRU and TRU mixed waste containers not then emplaced at WIPP shall be identified in the WIPP Waste Information System (WWIS) Database, including the WDS/WWIS Public Access System, as provided in Permit Section 2.3.1.7.

4.4. Compliant prioritization of LANL legacy waste

Permit Section 4.2.1.4 requires prioritization and risk reduction of New Mexico waste. The section requires an annual certification that the permitted panels have sufficient capacity to dispose of all the TRU waste at Los Alamos and Sandia national labs while the permit is in effect. The prioritization relates to the emplacement of all stored and buried TRU and TRU mixed waste at LANL. Each certification must be issued within 15 days of the Annual Transuranic Waste Inventory Report (ATWIR) being published.

A Compliant Plan must incorporate those enforceable requirements. For the data and calculations to be validated, the ATWIR must identify the waste that meets the legacy definition. Thus, the Compliant Plan must identify what LANL waste is expected to be emplaced in the existing panels, so that NMED and the public can ascertain annually what progress is being made in the prioritization of New Mexico waste, as compared to waste emplaced from other sites. As will be discussed in Section 4.5 below, since the 11/4 Plan indicates that only Panels 8 and 11 will be filled during the term of the Permit, the certification should provide that all LANL legacy waste be emplaced by the time Panel 11 is filled.

The ATWIR and annual certification to be issued in 2025 will not include information about the waste that meets the compliant definition. However, the ATWIR and certification in 2026 and thereafter should provide that data.

Thus, a Compliant Plan will include:

Prioritization of LANL legacy waste

Beginning no later than January 1, 2026, the annual certification of LANL waste, pursuant to Permit Section 4.2.1.4, shall identify in which permitted HWDU the LANL TRU and TRU mixed legacy waste are currently expected to be emplaced. The certification shall describe how all LANL waste will be disposed while the permit remains in effect.

4.5 Compliant emplacement of legacy waste throughout the Permit term.

The term of the existing Permit ends no later than November 4, 2033.⁸ The Renewal Application stated: “Based on the nominal time it takes to fill a panel with TRU mixed waste, the current emplacement schedule, and the need to replace lost waste volume capacity, a *minimum of two additional panels will be needed during the next 10-year term of the Permit.*”⁹ (*emphasis supplied.*)

Thus, the Renewal Permit includes two new panels 11 and 12. Table 4.1.1; Section 4.5.2; and other provisions.

The Permit further includes that Panels 11 and 12 will be filled during the term of the Permit. Table G-1 anticipates Panel 11 being filled by July 2028 and Panel 12 being filled by June 2031. The stated requirement for two new panels during the term of the Permit also was significant in reserving Panel 12 for the disposal of legacy TRU mixed waste to the extent practical.

However, the 11/4 Plan states: “waste emplacement is projected to begin in Panel 12 in 2033.” at 14. Thus, Panel 12 would be filled after the Permit expires. The 11/4 Plan also states: “For the purposes of this Plan, the Legacy TRU waste definition applies only to waste disposed in Panel 12 pursuant to Permit Part 4, Section 4.2.1.5.” at 9

The changed date for use of Panel 12 and that the 11/4 Plan definition applies only to Panel 12 would effectively mean that the 11/4 Plan has little or no effect during the term of the Permit. That is not what the Permittees (and all other parties to the negotiations) agreed to. It is also not compliant with the Permit.

NMED has stated that the Plan will define legacy waste and “work with generator/storage sites and stakeholders to accurately inventory this waste once defined.”¹⁰

⁸ Permit Section 1.7.2. Pursuant to Section 1.7.4, the Permit term can be extended.

⁹ https://wipp.energy.gov/Library/Information_Repository_A/10_Year_Permit_Renewal/2020%20Renewal%20Application%202020-03-31_osof.pdf, Addendum G1 at 8 (page 1105 of PDF).

¹⁰ <https://www.westernenergyboard.org/wp-content/uploads/5-MEGAN-MCLEAN.pdf> at slide 16.

NMED must require that legacy waste be identified and tracked from the time the Compliant Plan is approved (see Section 4.3 above). Having accurate tracking and the associated inventory also is consistent the Permit Section 1.7.3 that requires: “The Permittees shall provide an inventory of TRU waste from the DOE complex to support the renewal application. The inventory shall include the basis for estimated quantities.” Having an accurate inventory during the term of the Permit will provide the basis for the required accurate inventory in the next renewal application.

Furthermore, SRIC is very concerned about fundamentally flawed information in the Renewal Application regarding panels needed during the term of the Permit. Permit Section 1.6 states that the Permit “is based on the assumption that all information contained in the permit application” is accurate. Inaccuracies may be grounds for termination or modification of the Permit.

The 11/4 Plan briefly describes the reasons for the five-year delay (from operations starting in 7/28 to not until 2033) in waste emplacement in Panel 12 to “reduced shipping rates” and outages planned in 2025 and 2027. at 14. Those reasons do not add up to a five-year delay. Nor have the Permittees previously publicly described the delay. Further, at least some of that delay information must have been known to the Permittees in 2023 but was not disclosed in the Administrative Record. SRIC believes that the Permittees must immediately provide a detailed basis for the delay in using Panel 12 along with the measures that it will take to prevent ground control and other operational problems in Panels 8 and 11.

A purpose of Section 4.2.1.5 was to reserve the last permitted panel (then said to be Panel 12) for legacy waste emplacement. That purpose remains valid and the Compliant Plan will therefore recognize that provisions relate to the term of the Permit, regardless of whether Panel 12 is filled during that time. Thus, a Compliant Plan will include:

Reserving Panels for legacy waste during the term of the Permit

To the extent practicable as articulated in the Final Plan, permitted HWDUs will be reserved for disposal of legacy TRU and TRU mixed waste at WIPP.

4.6. Compliant Plan description of TRU waste disposal in a repository in another state.

Permit Section 2.14.3 requires an annual report of DOE’s progress toward siting another repository for TRU waste in a state other than New Mexico in order to ensure that New Mexico does not solely bear the burden of disposing of all TRU waste. As of December 14, 2024, of the 108,757.91 cubic meters of TMW volume emplaced at WIPP, 11,737.67 cubic meters of TRU waste is from Sandia and LANL.¹¹ That is 10.8 percent of the total TMW waste emplaced. Of the 78,238.31 cubic meters of LWA

¹¹ <https://www.wipp.energy.gov/general/GenerateWippStatusReport.pdf>

volume emplaced at WIPP, 7,876.84 cubic meters if from Sandia and LANL. That is 10.1 percent of the LWA volume emplaced at WIPP. Idaho National Lab, SRS, and Rocky Flats have each shipped substantially more waste than the New Mexico sites. Thus, a change in prioritization is required in the Compliant Plan and that re-prioritization of New Mexico can be enforced by NMED.

As evidenced in Permit Section 2.14.3 and the Administrative Record in the renewal process, DOE knows that much of the New Mexico public believe that another repository must be developed in another state. Nonetheless, the 11/4 Plan does not include any discussion of TRU waste or TRU mixed waste being disposed in another repository. The first annual report related to Permit Section 2.14.3 was submitted on December 23, 2024.¹² That report also does include any discussion of TRU waste or TRU mixed waste being disposed in another repository. The Report only states: “additional defense TRU waste capacity may be needed to accommodate future waste once the WIPP LWA capacity limit is met.” at 14.

The 11/4 Plan does state: “It will take years after Panel 12 is filled to deplete the inventory of Hanford legacy waste.” at 14. From consultations about the Legacy Plan with Hanford stakeholders as represented by the Hanford Advisory Board (HAB), the fact is recognized that DOE does not plan to dispose of much Hanford TRU waste during the term of the Permit. Consequently, in its May 22, 2024 letter to DOE¹³, the HAB had four recommendations, including:

- * The Board advises the TPA [Tri-Party Agreement] agencies to identify all known or suspected transuranic and mixed transuranic at the site, which would allow the Carlsbad Field Office to assign Hanford TRU wastes priority over down-blended plutonium if practicable.

- * The Board advises the US DOE Hanford office to request that US DOE-EM pursue a transparent and equitable process to identify additional repository locations for transuranic and mixed transuranic waste.

at 4.¹⁴

Thus, DOE and Hanford stakeholders are well aware that most Hanford legacy waste that will not be emplaced at WIPP during the term of the Permit. The stakeholders are concerned that DOE is not prioritizing legacy waste at WIPP.¹⁵ DOE cannot guarantee that New Mexico will continue to renew waste emplacement in future WIPP Permit. In

¹² AR 241209.

¹³ https://www.hanford.gov/files.cfm/HAB_Advice_316_-_Planning_for_Disposition_of_TRU_-_Final_Signed.pdf

¹⁴ DOE’s response to the Advice is at: <https://www.hanford.gov/files.cfm/316-24-HOC-0072-Letter.pdf>

¹⁵ On December 18, 2024, the State of Oregon commented on the 11/4 Plan and expressed its concerns about surplus plutonium displacing Hanford legacy waste.

addition to New Mexicans, DOE has also received advice from the HAB representing other most affected stakeholders at the Hanford site that it should identify another repository site. Therefore, it is reckless and irresponsible for DOE to not begin such a siting process.

If DOE needs additional basis to initiate such a siting process, NMED should provide such reason in the Compliant Plan.

A Compliant Plan must include that DOE now proceed with a process to site a repository in another state because such an additional repository is necessary. Because DOE's delay in siting another repository may mean that another repository will not be operational before WIPP closes, the Compliant Plan must require that DOE report on its plans for the potential need to store TRU waste and TRU mixed waste prior to another repository being operational.

Thus, a Compliant Plan will include:

Managing the legacy waste inventory after the term of the Permit

The annual report required by Section 2.14.3 shall identify legacy waste and non-legacy waste planned for disposal in an additional repository in a state other than New Mexico. DOE also shall report annually on plans to store TRU waste and TRU mixed waste if WIPP is not receiving waste and an additional repository in another state is not operational.

5.0 Additional Comments

5.1 WIPP's mission is not accurately stated in the 11/4 Plan, which is part of the explanation for the inadequate and non-compliant Plan.

The Plan states:

The WIPP project is authorized under the WIPP Land Withdrawal Act [**LWA**; (Public Law 102-579)] to dispose of 6.2 million cubic feet (175,564 m³) of defense-related TRU waste generated from atomic energy defense activities. at 4.

That is not a correct description of WIPP's authorization and mission.

The original WIPP authorization of 1979 stated that WIPP is "for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States...." Public Law 96-164 § 213(a)

Under the WIPP Land Withdrawal Act the disposal capacity is up to 6.2 million cubic feet of TRU waste. Public Law 102-579, as amended, § 7(a)(3). The Act does not say

that the capacity is “exactly” 6.2 million cubic feet. The capacity is part of the section on “Transuranic Waste Limitations.” Other limitations on rem limits and curie limits for remote-handled waste do not require that exactly 5,100,000 curies of remote-handled waste must be disposed at WIPP. Similarly, the law does not require that exactly 6.2 million cubic feet of waste must be disposed.

Furthermore, the limitations included in LWA § 7(a) all originated in the Consultation and Cooperation (C&C) Agreement, agreed to by New Mexico and DOE years before the LWA was passed by Congress. The limitations were incorporated into the LWA. The rem and curie limits were specifically agreed to in the 1984 First Modification of the C&C Agreement. at 4.

The 6.2 million cubic feet capacity limit was set in the 1981 DOE Record of Decision (46 *Federal Register* 9162-9164, January 28, 1981) and specifically incorporated into the 2nd Modification of the C&C Agreement in 1987. at 4.

There is no basis to say that New Mexico and DOE agreed that WIPP would have exactly 6.2 million cubic feet of defense TRU waste. Furthermore, at those times the capacity limit was based on the container capacity, which was then the only way that waste volume was measured. That limit is what the WIPP Permit calls “TRU Mixed Waste RCRA Volume.” § 1.5.21.

Further, the 1998 WIPP Record of Decision (63 *Federal Register* 3624-3629, January 23, 1998) explicitly states: “The Department will dispose of up to 175,600 cubic meters (6.2 million cubic feet) of TRU waste (except PCB commingled TRU waste) at WIPP.” at 3628, *emphasis supplied*.¹⁶

Additionally, the Permittees have agreed to sections of the WIPP Permit that provide for final facility closure before 6.2 million cubic feet of TRU waste is emplaced. The Permit provides that closure can occur when “permitted HWDUs are filled or have achieved their maximum capacities as outlined in Permit Part 4, Table 4.1.1.” Attachment G-1, Attachment G-1(d), Attachment H1.

Thus, the Compliant Plan will state:

The WIPP project is authorized under the WIPP Land Withdrawal Act [LWA; (Public Law 102-579)] to dispose of up to 6.2 million cubic feet (175,564 m³) of defense-related TRU waste generated from atomic energy defense activities.

5.2 DOE historically has defined “legacy waste” by identifying and calculating its volume.

¹⁶ The 2004 Revised ROD provided that up to 2,500 cubic meters of TRU waste with PCBs could be disposed at WIPP without increasing the capacity limit.

The 11/4 Plan states that “there is no agreed-upon common definition of legacy waste.” at 5. The 11/4 Plan states that the 2010 Roadmap “did not define legacy waste.” at 6. However, the 2010 Roadmap does identify and calculate the volumes of legacy TRU waste at all Environmental Management sites.¹⁷ Such identification and calculation is effectively a definition. WIPP’s role in implementing the Roadmap legacy TRU waste goals was incorporated into the WIPP Operating Contract for Nuclear Waste Partnership in 2012.¹⁸ Thus, for WIPP there was an effective definition and contractual requirement (that was not accomplished). Incorporating the compliant definition in the Permit is appropriate and does not impose an unreasonable burden on DOE.

5.3 Non-legacy waste includes “surplus” plutonium, post-Cold War pit production, and tank waste.

The 11/4 Plan states that “plutonium declared excess to national security” is included in the definition of TRU legacy waste. at 8. As reiterated throughout these comments, such “weapons-grade plutonium” is not waste, was not identified or managed as TRU waste as of 1999, and cannot be defined as legacy waste.

The 11/4 Plan also includes [high-level] tank waste as included in the legacy waste definition. at 8. SRIC strongly disagrees. Permit Section 2.3.3.8 specifically states that such tank waste is “Excluded Waste.” The Legacy Waste Plan cannot change that long-standing permit provision. The Permit Section provides for how such non-legacy waste might be approved.

SRIC does agree that waste generated from new plutonium pit production is non-legacy waste. However, we believe that the term “job control waste” is not a sufficient definition. Since Rocky Flats ceased operations in 1989, the U.S. did not produce the First Production Unit (new qualified pit) until October 1, 2024.¹⁹

The Compliant Plan should state that waste from producing plutonium pits since 1989 is non-legacy waste.

5.4. “To the Extent Practicable”

Neither the Permittees’ Renewal Application nor the NMED Draft Permit included a provision related to a Legacy Waste Disposal Plan. The section was included in the negotiated settlement to state that the desired goal that during the term of the Permit the last permitted HWDU will be reserved for the disposal of legacy TRU waste.

¹⁷ https://www.energy.gov/sites/prod/files/2014/03/f8/Roadmap_Journey_to_Excellence_2010.pdf

¹⁸ https://wipp.energy.gov/library/foia/NWP_M&OContract/Section_C.pdf at C-2 and C-3.

¹⁹ <https://www.energy.gov/nnsa/articles/nnsa-completes-and-diamond-stamps-first-plutonium-pit-w87-1-warhead>

Recognizing that there might be rare circumstances that some non-legacy waste could be disposed in Panel 12, the last sentence included “to the extent practicable.”

The 11/4 Plan includes almost three pages discussing the Permittees’ view that “the availability of Legacy TRU waste for disposal during Panel 12 is affected by numerous factors not within the control of the Permittees.” at 12. On the contrary, many of the factors then discussed are affected by the DOE’s actions. The 11/4 Plan should expressly have included what DOE headquarters offices reviewed and approved the Plan before its submission. In implementing the Compliant Plan, DOE headquarters officials have the authority to direct individual sites to prioritize legacy waste at WIPP. DOE headquarters officials also have the authority to direct individual sites to safety store non-legacy waste until an another repository is operating.

As discussed above, SRIC believes that all legacy waste, except much of the Hanford legacy TRU waste, can and should be disposed during the term of the Permit, which is now stated by the Permittees to be before Panel 12 is filled.

If that goal is achieved during the term of the Permit, then any renewal application could focus on a further public discussion of whether there should be any additional permitted HWDUs and what legacy and non-legacy waste could be managed at WIPP.

5.5 Energy Communities Alliance (ECA) survey

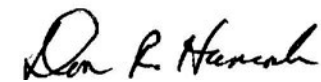
In Appendix A2.1, the 11/4 Plan briefly describes the ECA survey. at 20. SRIC supports public engagement, including from those that participated in that survey. SRIC appreciates that it was able to provide input to ECA staff before the survey was released and after it was completed. However, a consistent recommendation from SRIC that was rejected was for ECA to provide the numbers of people that responded. Without that number, the scope and representativeness of the survey responses cannot be determined. For any future DOE or other surveys, SRIC encourages that the numbers of surveys distributed and the number of responses be provided.

6.0 Conclusion

NMED should issue a Compliant Plan consistent with key Permit conditions. SRIC’s suggested provisions, or similar ones, should be incorporated in the Compliant Plan.

Thank you for your consideration of these and all comments and for taking action to ensure that there is a Compliant Legacy TRU Waste Disposal Plan.

Sincerely,



Don Hancock

cc: Cabinet Secretary James Kenney; Megan McLean

From: Steph H
Sent: Friday, January 03, 2025 9:05 AM
To: LTWDP
Subject: Comment Letter

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<https://aka.ms/LearnAboutSenderIdentification>]

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Use caution if this message contains attachments, links or requests for information.

Dear New Mexico Environment Department,

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023.

On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.
The Plan as submitted by the DOE is clearly inadequate.
In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to require DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened;
2. Legacy Waste is prioritized, especially LANL Legacy Waste;
3. Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12;
- and 4. Finally the Plan must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a TEST CASE for deep geologic nuclear waste disposal, and to be closed after 25 years of operation.

The Legacy Waste Disposal Plan as submitted violates EVERY promise made to the State and the people of New Mexico.

We are counting on you, our watchdog regulators, to require DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thank you for your consideration.

Sincerely,
Stephanie Hedgecoke

Sent from my iPhone

Comments submitted by Jan Boudart,

To whom it may concern: Thank you for this opportunity to comment on the document in question: The LTWDP, a permit requirement that was approved in the 10-year renewal process in November 2023.

Overall comments

This document explains that the DOE and Salado Isolation Mining Contractors (SIMCO) are not closing WIPP, but planning to keep it open for another six decades for future disposal of radioactive and hazardous waste.

I am Jan Boudart, secretary, Nuclear Energy Information Service, NEIS.org., an organization I have been with for about 10 years. But these comments are my own and do not, necessarily, represent the views of NEIS board, its membership or its director. I have a bachelor's degree in Biology; therefore am greatly concerned about the future of the earth's biota in view of radiation perpetrated by the NRC's permitting, the DOE's support of the U.S. fission projects and the War Departments insistence on continuing projects that endanger the future of the earth's living things. The genome is the real dosimeter.

At the very least, the New Mexico Environmental Department should take its responsibilities to the people of New Mexico seriously by rejecting the present DOE/SIMCO LTWDP because it does not meet the requirements of the WIPP Hazardous Waste Permit. In addition the NMED must define terms, make corrections and present a new version of the LTWDP, stringently insisting that terms in NRC, DOE, War Department, and industry documents be clearly defined. (In particular, the definition of "stakeholder" MUST include public and environmental activists whose concerns be included in all recommendations, documents and reports).

Several points stand out from the DOE document "Legacy TRU Waste Disposal Plan, WIPP Hazardous Waste Facility Permit Number :NM4890139088-TSDF".

Part 1, observations and questions

1. Panel 12 will not be ready to receive Legacy TRU Waste for at least 8 years (Part 6, Anticipated Implementation, ¶ 5 starting "Waste emplacement is currently being done in Panel 8 at WIPP..."). But the DOE initially said WIPP was a pilot program and would close in 2024. This type of foot-in-the-door thuggishness is unworthy of a cabinet-level agency of the U.S. Government.
2. The word "Stakeholder" is not defined in this document.
3. Panel 12 is to be reserved for "Legacy TRU Waste", then 7 different definitions of this term are put forth in the document (see Appendix A below). These definitions are hardly worthy of the term, as some of them have no definition which means Legacy Waste is "whatever we say it is".
4. The word "permittee" is used to mean the DOE, which has contracted responsibilities to SIMCO, LLC (Salado Isolation Mining Contractors, LLC). But what is the parent company, and who is responsible for the money involved in this contract? And how much money is it? Every horse knows that an LLC cannot be held fiscally responsible and the parent company, also, does not have to assume responsibility. Basically, what kind of financial arrangement has been made with Salado? Who is keeping the books? Does the much-used phrase "stakeholder/public" entitle us

- to examine the expenditures? Are U.S. standards for bookkeeping applied, and who is the auditor? It goes without saying that our tax money is the financial source. Is it a cost+ contract?
5. Another observation about "permittee". From my understanding, the DOE/SIMCO requires a permit from the New Mexico Environmental Department for operation of WIPP. (When the word "secretary" is used, it refers to Mr. James Kenny.) When the DOE is issued this permit, will that also apply to its contractor Salado? The DOE has shipped TRU waste from 22 different sources (conversation with Michael Gerle 241231). Does the source have to have a permit?
 6. How are the transportation companies qualified to ship radioactive waste, and who are they?

Part 2: responses and opinions of this writer

1. The DOE is, like all the rest of us, unsure how to handle radioactive waste. This uncertainty leads to displacement activity like assuring the people that WIPP will close in 2024, then finding reasons to keep it open for six more decades
2. The document "Legacy TRU Waste Disposal Plan" is an example of this displacement activity because the truth about radioactive waste is very hard to face. REAL climate solutions are not radioactive.
3. The War Department, as well as fission sources for its plutonium and tritium, has created a toxic mess that will cause disease in the earth's biota for much longer than any of us will be alive. I repeat: The genome is the real dosimeter!
4. Many, if not most, U.S. citizens would like to put this waste somewhere that we can forget about it because we are not used to looking at a factor that will affect future generations for more than 100 years. Our memories encompass 4000 years, maximum. Stories from before that are called "myths".
5. Some Indigenous cultures of the Americas look 7 generations into the past and the future; so they are less fearful of the long-life of nuclear waste than we are.
6. Said Indigenous people are very smart/knowledgeable, and they understand that we are dealing with radioactive isotopes that will be irradiating the environment for tens of thousands of years. And they know that Future Lives Matter!
7. But our officials and people in power pretend to listen to Indigenous solutions, then disregard their ideas because, even to price out the cost of really dealing with radioactive waste in the present generation is politically fearsome. The DOE wants to pretend we can put it someplace and that will be the cost. To price-out Indigenous solutions means that we, today, must face this astronomical cost.
8. But we have to listen to the Indigenous Peoples, because of their patience in the face of a nearly insurmountable problem.
9. We are ignoring the fact that we citizens and the DOE have no idea what the cost of this waste will be to our progeny: in their health, their griefs over unnecessary deaths, their search for uncontaminated food and water and hundreds of future issues that we can't even imagine, especially if the present juggernaut of new fission projects finds expression, to say nothing of the war juggernaut that is showing its ugly face. "It is really a lot easier and simpler to decide that becoming the top killer is the way to solve differences; much harder to really think about solving the problems." Clean & Safe Energy Future; or There Won't Be One!

Part 3: Conclusion

The first battle in dealing with nuclear waste is to stop making it. We must stop making nuclear waste; discontinue the plutonium pit project at Los Alamos National Laboratory (LANL) and the Savannah River Site (SRS); give up the idea of Small Modular Nuclear Reactors and dismantle our nuclear power plants. Stop creating radioactive isotopes like tritium and plutonium for our war machine. Admit that the nuclear arsenal is making us less safe; deterrence will not work and is a constant threat to the future and our economic well-being today.

Appendix A:
Seven non-"Definitions" of Legacy Waste from the document
"Legacy TRU Waste Disposal Plan"
Quotations from Part 2.2 Generator/storage sites

1. "...does not specifically define legacy waste..."
2. "...all waste (retrieved, buried and/or generated) prior to June 2000."
3. "...stored waste generated on or prior to October 1995..."; **but qualified with** "...containers with new items (such as filters, vacuums, and personal protective equipment) contaminated during processing of such legacy waste are considered to be legacy waste as well."
4. "...does not define legacy waste"
5. "...any radioactive waste stored or buried as TRU waste at LANL with a generation date prior to October 1, 1999."
6. "...waste included in the Transuranic Waste Processing Center (TWPC) Site Treatment Plan (STP) and waste generated prior to the EM transition.
7. "...waste containers characterized by the Central Characterization Program prior to the 2014 WIPP events (**The 2014 Valentine's Day fire and Pu release**) for the purpose of defining roles of the respective contractors on site. This is described in an internal DOE-SR direction memo dated April 12, 2019."

From: Jan Boudart
Sent: Friday, January 03, 2025 8:36 AM
To: LTWDP
Subject: "Legacy TRU Waste Disposal Plan, WIPP Hazardous Waste Facility Permit Number :NM4890139088-TSDF"

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LTWDP@wipp.doe.gov

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Several points stand out from the DOE document "Legacy TRU Waste Disposal Plan, WIPP Hazardous Waste Facility Permit Number :NM4890139088-TSDF".

Part 1, observations and questions

1. Panel 12 will not be ready to receive Legacy TRU Waste for at least 8 years (Part 6, Anticipated Implementation, ¶ 5 starting "Waste emplacement is currently being done in Panel 8 at WIPP..."). But the DOE initially said WIPP was a pilot program and would close in 2024. This type of foot-in-the-door tuggishness is unworthy of a cabinet-level agency of the U.S. Government.
2. The word "Stakeholder" is not defined in this document.
3. Panel 12 is to be reserved for "Legacy TRU Waste", then 7 different definitions of this term are put forth in the document (see Appendix A below). These definitions are hardly worthy of the term, as some of them have no definition which means Legacy Waste is "whatever we say it is".
4. The word "permittee" is used to mean the DOE, which has contracted responsibilities to SIMCO, LLC (Salado Isolation Mining Contractors, LLC). But what is the parent company, and who is responsible for the money involved in this contract? And how much money is it? Every horse knows that an LLC cannot be held fiscally responsible and the parent company, also, does not

have to assume responsibility. Basically, what kind of financial arrangement has been made with Salado? Who is keeping the books? Does the much-used phrase "stakeholder/public" entitle us to examine the expenditures? Are U.S. standards for bookkeeping applied, and who is the auditor? It goes without saying that our tax money is the financial source. Is it a cost+ contract?

5. Another observation about "permittee". From my understanding, the DOE/SIMCO requires a permit from the New Mexico Environmental Department for operation of WIPP. (When the word "secretary" is used, it refers to Mr. James Kenny.) When the DOE is issued this permit, will that also apply to its contractor Salado? The DOE has shipped TRU waste from 22 different sources (conversation with Michael Gerle 241231). Does the source have to have a permit?
6. How are the transportation companies qualified to ship radioactive waste, and who are they?

Part 2: responses and opinions of this writer

1. The DOE is, like all the rest of us, unsure how to handle radioactive waste. This uncertainty leads to displacement activity like assuring the people that WIPP will close in 2024, then finding reasons to keep it open for six more decades
2. The document "Legacy TRU Waste Disposal Plan" is an example of this displacement activity because the truth about radioactive waste is very hard to face. REAL climate solutions are not radioactive.
3. The War Department, as well as fission sources for its plutonium and tritium, has created a toxic mess that will cause disease in the earth's biota for much longer than any of us will be alive. I repeat: The genome is the real dosimeter!
4. Many, if not most, U.S. citizens would like to put this waste somewhere that we can forget about it because we are not used to looking at a factor that will affect future generations for more than 100 years. Our memories encompass 4000 years, maximum. Stories from before that are called "myths".
5. Some Indigenous cultures of the Americas look 7 generations into the past and the future; so they are less fearful of the long-life of nuclear waste than we are.
6. Said Indigenous people are very smart/knowledgeable, and they understand that we are dealing with radioactive isotopes that will be irradiating the environment for tens of thousands of years. And they know that Future Lives Matter!
7. But our officials and people in power pretend to listen to Indigenous solutions, then disregard their ideas because, even to price out the cost of really dealing with radioactive waste in the present generation is politically fearsome. The DOE wants to pretend we can put it someplace and that will be the cost. To price-out Indigenous solutions means that we, today, must face this astronomical cost.
8. But we have to listen to the Indigenous Peoples, because of their patience in the face of a nearly insurmountable problem.
9. We are ignoring the fact that we citizens and the DOE have no idea what the cost of this waste will be to our progeny: in their health, their griefs over unnecessary deaths, their search for uncontaminated food and water and hundreds of future issues that we can't even imagine, especially if the present juggernaut of new fission projects finds expression, to say nothing of the war juggernaut that is showing its ugly face. "It is really a lot easier and simpler to decide that becoming the top killer is the way to solve differences; much harder to really think about solving the problems." Clean & Safe Energy Future; or There Won't Be One!

Part 3: Conclusion

The first battle in dealing with nuclear waste is to stop making it. We must stop making nuclear waste; discontinue the plutonium pit project at Los Alamos National Laboratory (LANL) and the Savannah River Site (SRS); give up the idea of Small Modular Nuclear Reactors and dismantle our nuclear power plants. Stop creating radioactive isotopes like tritium and plutonium for our war machine. Admit that the nuclear arsenal is making us less safe; deterrence will not work and is a constant threat to the future and our economic well-being today.

Appendix A: Seven non-"Definitions" of Legacy Waste from the document "Legacy TRU Waste Disposal Plan" Quotations from Part 2.2 Generator/storage sites

1. "...does not specifically define legacy waste..."
2. "...all waste (retrieved, buried and/or generated) prior to June 2000."
3. "...stored waste generated on or prior to October 1995..."; **but qualified with** "...containers with new items (such as filters, vacuums, and personal protective equipment) contaminated during processing of such legacy waste are considered to be legacy waste as well."
4. "...does not define legacy waste"
5. "...any radioactive waste stored or buried as TRU waste at LANL with a generation date prior to October 1, 1999."
6. "...waste included in the Transuranic Waste Processing Center (TWPC) Site Treatment Plan (STP) and waste generated prior to the EM transition."
7. "...waste containers characterized by the Central Characterization Program prior to the 2014 WIPP events (**The 2014 Valentine's Day fire and Pu release**) for the purpose of defining roles of the respective contractors on site. This is described in an internal DOE-SR direction memo dated April 12, 2019."

Real climate solutions are NOT radioactive.

Future Lives Matter!

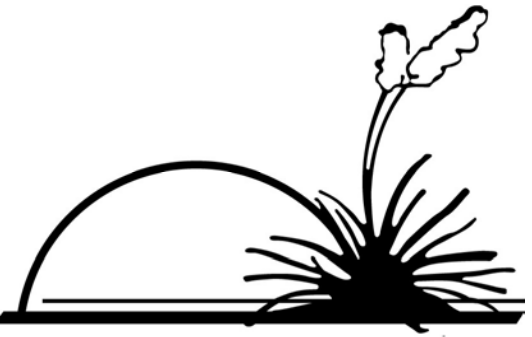
The genome is the REAL dosimeter.

Fission energy is safe if and only if all devices work, everybody does their job, no plant or repository is in any battle — conventional or not, and no quantity of fissionable material is in the hands of the ignorant No Acts of God permitted.

— Hannes Alfvén

CARD

Citizens For Alternatives To Radioactive Dumping



By email: LTWDP@wipp.doe.gov

January 3, 2025

Comments by Citizens for Alternatives to Radioactive Dumping (CARD) on the *Legacy TRU Waste Disposal Plan* for the Waste Isolation Pilot Plant (WIPP)

The *Legacy TRU Waste Disposal Plan (Plan)* is clearly inadequate and CARD urges the Environment Department (NMED) to reject the Plan in its entirety.

If the Permit is not just to be a farce, it must be enforced. The Plan does not comply in content with the Permit at Permit Condition 4.2.1.5. The Plan doesn't define what Legacy Waste is, and doesn't include a prioritized schedule for disposal of all Los Alamos National Laboratory's (LANL) Legacy Waste—both requirements of the Permit. And if you don't define Legacy Waste, how can you certify that there is capacity in Panels 8, 11 and 12 for all LANL Legacy Waste? There goes the heart of the negotiations. New Mexico allowed DOE to add Panels 11 and 12 in exchange for using Panel 12 and possibly Panels 8 and 11 for LANL's Legacy Waste. Now DOE is wiggling out of the *Legacy Waste Plan's* Permit requirements along with the requirements for the *Repository Siting Report*

We cannot allow the Department of Energy (DOE) to leave the real Legacy Waste—1945, Cold War, and other old pre-1999 weapons production waste—unsafely on the Hill forever.

That's what will happen if we don't start taking a stand to stop it. Over and over again in the Plan DOE has excuses about why they have to put Pit Production waste and Surplus Plutonium waste into Panels 11 and 12 first. This has been going on for years all the way back to DOE promising New Mexico that WIPP was going to clean up all LANL's Legacy Waste if we allowed it to be sited here. How many times is DOE going to keep fooling us?

Think of what will happen to our health and livelihood, to sacred lands, to workplaces, to farms—to property values—if a Cerro Grande-size fire reaches Area G next time. And you know there will be a next time, another fire. Leaving the WIPP waste on the Hill is an enormous and dangerous gamble. The Legacy Waste is stored outside in tents in the middle of a wildfire zone. The containers have to be vented because the radioactive waste degrades (as do the containers) and creates hazardous, flammable, and explosive gases. What happens when hundreds of containers like this ignite?

Think of the wind blowing in your direction.

Think of LANL's absolutely horrible safety history.

This is reality. The longer we leave that waste on the Hill, the more likely it is that this will happen. We need to start moving that Legacy Waste now.

Again, NMED must reject DOE's first draft of the Plan and suggest language that complies with the WIPP Permit Condition at 4.2.1.5. If the Plan meets the following four requirements, DOE should be able to emplace all the LANL Legacy Waste in WIPP Panels 8 through 12.

1. Legacy Waste must be defined as generated by a definite date and that date must be previous to 1999 when WIPP opened.

The Plan as submitted defines Legacy Waste so broadly that almost all waste now and in the future could be considered Legacy Waste. It is irrelevant that different generator sites or DOE divisions use different definitions. As it relates to this site—the WIPP site—Legacy Waste that is to be disposed of in WIPP must have been generated before 1999.

2. Legacy Waste must be prioritized for disposal in WIPP, especially LANL Legacy Waste.

The core promise made to New Mexico that caused the state to agree to site WIPP here was that WIPP would clean up LANL. Yet, LANL's Legacy Waste is still sitting, dangerously on the Hill. Not only are surrounding communities at risk from fire, but some of the waste is buried and leaking, contaminating local aquifers and the Rio Grande. The Española Basin sole source aquifer is at risk. The Plan must designate how all LANL Legacy Waste will be disposed of, including recognizing that some LANL and Savannah River Site non-Legacy Waste will need to be disposed of elsewhere to make space for Legacy Waste in WIPP.

3. Provisions must be added to the Plan requiring DOE to support generator sites—especially the LANL generator site—in their work processing their Legacy Waste so it is ready to be disposed of at WIPP when space is available in Panels 8, 11, and 12.

It is critical that the Plan not only describes how much Legacy Waste exists and designates where in WIPP's Panels 8, 11 and 12 that waste will be emplaced, but that it also includes details of how DOE will help individual generator sites, including LANL, to characterize, package, and ship their Legacy Waste to WIPP.

DOE has shown bad faith in the past and CARD believes it will continue to let the Legacy Waste languish as it has for the past 80 or more years in favor of disposing non-legacy waste in WIPP from pit production and surplus plutonium disposal. We believe DOE will purposely let the generator sites

continue to be slow preparing their Legacy Waste for shipment and disposal in WIPP. “To the extent practicable” means never, or almost never.

In the recent Las Vegas Community Forum Mark Bollinger, Manager of WIPP’s Carlsbad Field Office, claimed that it will take so long for LANL waste to get to WIPP because “all the low hanging fruit has been picked” and only waste that requires a lot more work is left. But DOE has had 24 years (or 80 depending on how you measure it) to get both the low hanging fruit and the more complicated waste ready for disposal in WIPP. It’s time they specified human and financial resources in the Plan that would accelerate LANL and other sites in getting their Legacy Waste characterized, packaged, and ready for shipment to WIPP. Only DOE’s lack of will keeps this from happening.

Again, NMED must vigorously enforce the Permit and require a workable plan to move the waste off the Pajarito Plateau in a timely manner. NMED will have to provide acceptable language to describe how this will be done. We suggest some kind of language requiring a halt on the excavation of at least Panel 12 until NMED certifies that there is a specified amount of LANL Legacy Waste ready for disposal and a functioning preparation process in place so that all the LANL Legacy Waste can be emplaced at WIPP before Panel 12 starts to collapse.

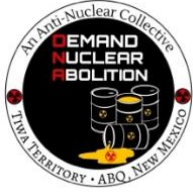
4. Finally, the Plan must provide that some waste be disposed in a repository in another state so that New Mexico does not bear the entire burden of disposal of the nation’s military TRU nuclear waste.

WIPP was never supposed to be the only repository, operating forever. WIPP was sold to us as a pilot plant for multiple repositories to clean up Cold War waste. Yet the Plan makes no mention of creating a repository in another state and what waste would be buried there. That’s because it’s clear that DOE is not interested in looking for another repository. And why should they be, as long as they can keep expanding WIPP for their new, non-Legacy Waste, while being allowed to leave their old waste behind?

We look to our NMED regulators to make sure the Permit is not a permit in name only, but is adequately enforced and that DOE is not allowed to leave their old waste behind while putting their non-Legacy Waste in WIPP. We have faith that NMED has the will to make sure that New Mexicans are protected from the very real dangers that this version of WIPP’s *Legacy TRU Waste Plan* would create.

Sincerely,
Deborah Reade
Research Director for CARD

cc: The Honorable James Kenney
Megan McLean
Mark Bollinger
Kenneth Harrawood



Demand Nuclear Abolition

100 Gold Ave. SW, Suite 201, Albuquerque, NM 87102

protectnewmexico@gmail.com

demandnuclearabolition.org

New Mexico Environment Department
WIPP Information Center
4021 National Parks Highway
Carlsbad, NM 88220

January 2, 2025

Dear New Mexico Environment Department,

We at *Demand Nuclear Abolition*, a volunteer grassroots collective based in Albuquerque, New Mexico, write in response to the November 4th, 2024, Department of Energy (DOE) Legacy Waste Disposal Plan. The DOE submitted their Legacy Waste Disposal Plan, as required in that permit, however we find that the submitted Plan is inadequate, and in fact violates the Permit Agreement as it does not comply with important provisions in the Permit.

We are urging NMED to require the DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

- Legacy Waste must be defined as having been generated by 1999, when WIPP opened.
- Legacy Waste is prioritized, especially LANL Legacy Waste.
- Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.
- Finally, and critically the Plan must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste. We no longer want to be the nation's dumping ground for this waste that endangers our environment and communities.

WIPP was slated to close in 2024, after 25 years of use. It was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geological nuclear waste disposal. The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico. We know that there are no other deep geological nuclear waste disposal sites in the country, and fear that the extension of WIPP means we will become the de facto dumping ground for the nation's newly created nuclear waste, while legacy LANL waste is still not properly cleaned up and stored. There is still an urgent need for the cleanup and safe storage of legacy waste in NM, and we must secure a promise from the DOE that this

old waste will be prioritized over newly created waste as WIPP continues to operate. We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan. We urge you to be extremely cautious here, as even a small mistake with nuclear waste can have disastrous consequences on our communities and our land. This waste will be here long after we all are, so we must be diligent about it.

Thank you for your consideration.

Sincerely,

Demand Nuclear Abolition

Elizabeth Smith (Laguna Pueblo)

Téa Salazar

Joel Lorimer

Eileen O'Shaughnessy

Bianca Rivera

Brendan Shaughnessy

Brooke Holland

Susan Schuurman

Rivala Garcia

Sachi Barnaby

Bryan Kendall

Brady Steele

Emily Ganderton

From: Demand Nuclear Abolition
Sent: Thursday, January 02, 2025 11:04 PM
To: LTWDP
Subject: Comment on Legacy TRU Waste Disposal Plan
Attachments: DNA Public comment on WIPP Legacy Waste Plan 2025.pdf

You don't often get email from [redacted] . [Learn why this is important](#)

The message to LTWDP@wipp.doe.gov on Thu Jan 02 2025 23:33:06 contains a file attachment:
DNA Public comment on WIPP Legacy Waste Plan 2025.pdf
that may have been dropped.

Good evening,
Please find Demand Nuclear Abolition (DNA)'s official comment to the New Mexico Environment Department on the WIPP Legacy TRU Waste Disposal Plan attached to this email as a PDF.

We would appreciate an acknowledgement of receipt of this email.

Thank you very much.
Sincerely,

Eileen O'Shaughnessy
Demand Nuclear Abolition



Veterans For Peace

Donald and Sally-Alice Thompson Chapter #63
Albuquerque, New Mexico

John E. Wilks, III
President, Chapter #63 (Albuquerque)

January 2, 2025

WIPP Information Center
4021 National Parks Highway
Carlsbad, NM 88220

Submitted by email at LTWDP@wipp.doe.gov

Re: Public Comment on the Waste Isolation Pilot Plant's Legacy Transuranic Waste Disposal Plan

Dear Reviewing Official:

The Albuquerque Chapter of Veterans For Peace files this comment on the merits on WIPP's proposed legacy transuranic waste plan. We request that the addressee acknowledge timely receipt of this filing via email at: johnwilksiii@windstream.net.

We reject in its totality the plan proffered by the US Department of Energy. The plan is wholly inadequate in that it does not meet the hazardous waste permit requirements as set forth in the current ten-year operating permit issued by the New Mexico Department of the Environment (NMED).

We continue to contest DOE's definition of legacy waste as waste generated after 1999, the year of the WIPP's opening. Logically, we hold that legacy waste is all waste generated in New Mexico by the War Department (nka Defense Department), the Atomic Energy Commission, and both national laboratories during the period from January 1, 1943 to March 26, 1999. This is a key distinction, because the plan does not address waste generated and buried on the Pajarito Plateau, Kirkland AFB, White Sands Army Missile Range, and Holloman AFB during WWII through the Cold War and the interim years up to March 26, 1999, plus other contamination in the soil and waters of New Mexico. We believe

the legacy plan should address the final disposition of the accumulated volume of all waste eligible for WIPP admission, generated throughout the US, its territories, and the Marshall Islands.

Plutonium-contaminated waste buried at Kirkland AFB, in addition to waste buried and stored above ground at the Los Alamos National Laboratory (LANL) must be prioritized, characterized, packaged, transported and disposed of at WIPP. Additionally, the WIPP operational permit issued by the NMED and the recent findings of the US EPA, Regional VI, should specifically apply to the requirement for exhumation, characterization, packaging, and transport off-site of the contents of Sandia Laboratory's Mixed Waste Landfill at Kirtland AFB. It is unacceptable to us that the Mixed Waste Landfill at Kirkland and areas "C" and "G" at LANL remain intact and in place. Further, DOE's most recent plan for the LANL's buried waste is "cap and cover" (otherwise known as "hide and hope"). We view this proposal as unacceptable and potentially reckless.

On December 23, 2024, DOE's Carlsbad Field Office released its first Repository Siting Report. We believe this report contained false statements which are relevant to the Waste Isolation's Legacy Transuranic Disposal Plan review. With regard to the transuranic and mixed waste generated by DOE in New Mexico, the cited Annual Waste Inventory Report (ATWIR) is incomplete.

The Report omits the significant volume of buried waste at LANL and perhaps many other sites which have not been reported to DOE or have been reported, but not characterized. Typical of our concern are the examples which follow: soils with radioactive waste discovered in St. Louis suburbs including Coldwater Creek and at the Jana Elementary School. The creek was contaminated by nuclear waste from WWII weapons production. The contamination dates back to 1949, when Mallinckrodt Chemical Works stored barrels of radioactive residue in deteriorating steel drums near the creek. Another example is the large volume of radioactive legacy material located at the Santa Susana Field Laboratory in Ventura County, California. A report released on October 17, 2021, after 80% of the site had been burned over during a woodland fire that consumed 97,000 acres in the County, stated that with regard to surface dust and soils, "high activities of radioactive isotopes associated with the Santa Susana Field Laboratory" were detected. Santa Susana was in operation from 1947-2006 conducting research and tests for DOD and NASA, to develop the Navajo Cruise mission, the Jupiter IRBM, the Atlas ICBM, and numerous other rocket engines for NASA. We note that the Annual Transuranic Waste Inventory Report (ATWIR) does not list these and other ancillary sites which should be planned for in addition to the traditional 22 generator sites that have historically contributed to the WIPP's storage inventory. We further note that the vast quantity of waste material buried at Areas "C" and "G" are not included in the total volume of waste

planned for shipment to WIPP and forecast by WIPP for in order allocate subterranean storage space.

DOE-Environmental Management's recalcitrance and lack of good faith is further demonstrated in its languishing clean-up activities at LANL. A case in point is the current effort to exhume numerous corrugated conduits at LANL which were previous filled with plutonium laced cement. During the operation to cut the conduits into shorter lengths in order to facilitate loading them into storage containers to enable transport to WIPP, DOE is acting sequently, not concurrently. Rather than characterize the homogenous material in the conduits and shipping them to WIPP while the remainder of the conduits are cut and loaded into containers, DOE has not begun the characterization process. This work plan is especially disheartening because DOE-EM is claiming that it is working diligently to clean-up LANL and expeditiously ship waste material to WIPP. We note that as of December 9,544 shipments from Idaho (INL & Rocky Flats Environmental Technology Site) and only 1,680 shipments from LANL have been received by WIPP.

We recount these historical precedents to draw attention to the potential space in the WIPP which would be required to emplace contamination from military activities since 1943. It is apparent that DOE is not acting proactively to identify, characterize, and transport radioactive waste from less prominent sites, with the possible intent to assure that WIPP is available for newly generated waste generated during the current program to "modernize" the nuclear arsenal.

With regard to justifying a second TRU waste repository, it is imperative to include all known and suspected legacy waste, plus forecasted new waste from the modernization of the the nuclear arsenal. Page 13 of DOE's Repository Siting Annual Report, issued on December 23, 2024, reads, in part:

In summary, DOE has complied comprehensive estimates in the ATWIR of both WIPP-bound and potential TRU waste for as far into the future as sites can project (approximately 2080). This population of all identified current and future defense TRU waste streams is expected to be within the authorized volume for WIPP disposal. Based on current knowledge, therefore, WIPP has adequate capacity for all known and potential defense TRU waste. Thus effectively demonstrating the need to receive authorization and funding for a second TRU waste repository at this time may be challenging."

Based on the current position of DOE, with respect to siting and constructing a second WIPP, we urge there Department to at least consider the wisdom of siting a second WIPP. One or more repositories like the WIPP is necessary to preclude continued transcontinental shipment of waste to the New Mexico Sacrifice Zone (aka state of New Mexico) as an adherence to the Precautionary Principal. Reduction in the miles traveled by waste would surely reduce the likelihood of a traffic accident involving radioactive material. Sadly, affirm that there is nothing in writing that limits the life of the WIPP to 25 years, as orally promised by New Mexico's naive politicians during discussions and negotiations in the 1970's and 1980's. Additionally, we acknowledge that inclusion of the the term "PILOT" in the naming of WIPP was apparently yet another deception on the people of New Mexico. It is apparent DOE will continue, absent an intervention of the Congress, to resist establishing an additional deep geologic storage area for defense generated TRU waste!

Both the spirit and the requirements of each of the three new conditions in the 2023 New Mexico Environmental Department's WIPP Renewal Permit seem to have been flaunted by DOE. (1) The Repository Siting Annual Report (condition 2.14.3) indicates that no effort has been made to site a second WIPP. The DOE sees no need for the WIPP and the Congress has neither authorized a second WIPP, nor funded search expenses. (2) Prioritization and Risk Reduction of New Mexico Waste (condition 4.2.1.4) has not been experienced. The ratio of shipments to the WIPP from Idaho versus LANL is approximately 10:1. (3) the Legacy TRU Waste Disposal Plan (condition 4.2.1.5) is incomplete and not comprehensive.

We urge the NMED to reject the Plan. An acceptable plan must define legacy waste as all waste generate beginning 1943 to 1999. The plan must consider waste not contributed by the 22 traditional generators sites. The plan must specifically prioritize waste generated in New Mexico. The plan must require all DOE sites to aggressively support generator sites to process their legacy waste so it may be disposed at WIPP when space is available in Panels 11 and 12 in the 2030 timeframe.

Respectfully,

John E. Wilks, III
President, Chapter #63 (ABQ)
Veterans For Peace

From: Frank, Brad M (NYSERDA)
Sent: Thursday, January 02, 2025 12:58 PM
To: LTWDP
Cc: Bembia, Paul J (NYSERDA)
Subject: NYSERDA Comments on the Legacy TRU Waste Disposal Plan

You don't often get email from [redacted]. [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests
for information.

Dear Sir or Ma'am,

The New York State Energy Research and Development Authority (NYSERDA) holds title to the Western New York Nuclear Service Center, the location of DOE's West Valley Demonstration Project in southwestern New York State. NYSERDA has no comments on the definition provided by DOE for Legacy TRU. NYSERDA does wish to note, however, that the 609 cubic meters of TRU presently in storage at the West Valley Demonstration Project is not discussed anywhere in the WIPP TRU Legacy Waste Disposal Plan. While it appears that the WIPP Legacy TRU Waste Disposal Plan includes consideration only of the TRU waste streams DOE has currently identified as "WIPP-bound" in the 2023 Annual Transuranic Waste Inventory Report, it is important not to lose sight of the additional TRU waste inventories in storage that are presently considered "potential WIPP TRU waste streams" that could be identified as "WIPP-bound" in the future.¹

1) NYSERDA has compiled information demonstrating that the West Valley Reprocessing Facility conducted atomic energy defense activities during its operational period. As such, the West Valley TRU is eligible for disposal at WIPP.

Thanks for your time,
Brad

Bradley M. Frank
Program Manager
West Valley Demonstration Project
and End-State Planning Program

January 2, 2025

Waste Isolation Pilot Plant (WIPP) Permittees

c/o WIPP Information Center

4021 National Parks Highway

Carlsbad, NM 88220

Sent via e-mail to: LTWDP@wipp.doe.gov

Dear WIPP Permittees:

This letter contains my comments on the Legacy TRU Waste Disposal Plan (“The Plan”) which you developed under Permit Part 4, Section 4.2.1.5.

- **The Plan’s definition of “legacy waste” is too broad and does not meet the permit’s requirements.**

This definition is so open-ended that it includes legacy waste that any U.S. Department of Energy (DOE) waste generator or storage site wants to define as legacy waste, regardless of when the waste was generated. In addition, this definition also covers “surplus” plutonium that DOE plans to ship and process at the Los Alamos National Laboratory (LANL) in the future.

This definition should be limited to transuranic (TRU) waste generated at the time WIPP was opened: 1999.

Should DOE be sued over how “legacy wastes” is defined, I believe DOE would lose. Regardless of whether the judiciary interprets this term using the legal theory of textualism (the plain meaning of the term “legacy”) or originalism (the existing circumstances at the time the statute was enacted or the agreements signed), it would determine the DOE definition as presently written is overbroad.

- **The Plan lacks a requirement that all TRU wastes stored at LANL shall be removed and transported to WIPP before WIPP accepts wastes generated elsewhere.**

At LANL, 2,025 TRU waste containers currently are located in the fabric tents at LANL’s Area G disposal site. <https://n3b-la.com/area-g-tru/>. In May 2000, fire came within a half-mile of these tents when the Cerro Grande fire burned over 7,000 acres at LANL.

With the prevalence of more wildfires in New Mexico covering larger and larger areas (many attributable to climate change), it would seem that DOE should want to reduce the risks to its facilities at LANL. But even more importantly, DOE should want to protect the safety and health of those who work at LANL and those residing in areas where the release of the contents of those containers would be a death sentence.

Yet, DOE has made its first priority the shipping of newly-generated waste from the building of nuclear weapons. Common sense would dictate that the removal of wastes that have been stored in an area vulnerable to the vagaries of Nature for over 24 years should be paramount. It is imperative that such a requirement be adopted.

- **DOE must be required to provide a detailed report to the public annually regarding its efforts to site another repository for TRU waste outside of New Mexico. In addition, it must be mandated that these efforts be carried out in good faith: cursory and dilatory efforts would be a violation of the permit.**
- **Provisions must be added to The Plan that require DOE – whenever space becomes available in WIPP panels 11 and 12 – to provide generator sites with whatever support is necessary to ensure that legacy wastes are processed at those sites before transporting them to WIPP.**

Such support would include – but not be limited to – technical assistance, financial assistance, and personnel.

- **DOE has failed to consult on The Plan with all permittees as required by the permit.**

A fact sheet published by WIPP – “Legacy TRU Waste Disposal Plan” (https://wipp.energy.gov/Library/TRUwaste/LTWDP_FactSheet_Draft5_20240723.pdf) states that as of June 2024, the permittees have had consultations with seven generator sites, yet Figure 1-1 “U.S. Department of Energy TRU Waste Sites” in this fact sheet shows there is a total of 18 large quantity- and small quantity-generator sites.

WIPP Permittees
January 2, 2025
Page 3 of 3

By not consulting with all generator sites – regardless of the quantity generated – the DOE has shown that it cannot even comply with a simple permit requirement. If DOE can't seem to follow this mandate, why should the New Mexico Department of Environment (NMDOE) think DOE will act in good faith in carrying out significant permit provisions?

Thank you for your consideration of my comments.

Sincerely,

/s/ Richard J. Goldsmith

From: Dick Goldsmith
Sent: Thursday, January 02, 2025 7:06 AM
To: LTWDP
Subject: Comments on Legacy TRU Waste Disposal Plan
Attachments: Comments to U.S. Department of Energy on Legacy TRU Waste Disposal Plan.docx

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The message to LTWDP@wipp.doe.gov on Thu Jan 02 2025 07:05:55 contains a file attachment:
Comments to U.S. Department of Energy on Legacy TRU Waste Disposal Plan.docx
that may have been dropped.

Please see attachment.

Sincerely,

Richard J. Goldsmith

From: Greg Corning
Sent: Wednesday, January 01, 2025 1:48 PM
To: LTWDP
Subject: Legacy waste disposal plan

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1st of January 2025

By email to: LTWDP@wipp.doe.gov

Greetings, New Mexico Environment Department person. I hope you are well and feeling all right today.

I'm aware of and appreciate your work to protect us citizens by way of the WIPP Hazardous Waste Permit—particularly the new permit conditions in which you bring up the need for another nuclear waste repository in another state. I'm pleased that you point out the need to prioritize and reduce risk of nuclear waste stored in New Mexico, too.

Clearly the DOE's transuranic legacy waste disposal plan which they submitted on November 4 last year [wow—another year already!] is inadequate. They blithely blow off promises they made to us; they sold us on the idea that this pilot project would lead to clean-up of the old legacy cold war waste, and they said the facility would close to new deposits after 25 years' time. Well, I'm not surprised that DOE now proposes to violate those promises; the agency never has

been much for truthfulness.

I am sure NMED must reject the DOE Plan! And you need to demand that they include language that complies with the Permit Condition 4.2.1.5 Legacy TRU Waste Disposal Plan.

The disposal plan really MUST clearly say (and NMED must sharply enforce) the following.

The term “Legacy Waste” must refer ONLY to waste that was created before 1999 (WIPP’s opening year).

It must be plainly stated that WIPP exists to receive and store LANL pre-1999 legacy waste; other waste, particularly waste created from the infamous expanded plutonium pit manufactory project, must be excluded until ALL legacy waste from LANL has been safely stored in WIPP.

DOE has to agree to support generator sites for processing their legacy waste (for disposal at WIPP when space is available in Panels 11 and 12 which, I understand, will be sometime around 2030).

Thank you for work, and for thoughtfully weighing my comments.

Gregory Corning
President of Veterans For Peace
(Santa Fe chapter)

Date: December 31, 2024

By email to: LTWDP@wipp.doe.gov

Dear New Mexico Environment Department:

I appreciate your efforts to protect New Mexicans through the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Permit and the three new permit conditions that address the need for another nuclear waste repository in a state other than New Mexico; the need to prioritize and reduce risk of nuclear waste stored in New Mexico; and the need for a Legacy TRU (or transuranic) Waste Disposal Plan.

On November 4, 2024, the Department of Energy (DOE) submitted its Legacy Transuranic (TRU) Waste Disposal Plan (the Plan) to the New Mexico Environment Department (NMED). The Plan's inadequacy is highlighted below.

The Plan ignores the promises DOE made to New Mexico and New Mexicans. WIPP was sold as a pilot project to clean up Cold War legacy waste, as a test case for deep geologic nuclear waste disposal, and to close in 2024 after 25 years of operations. The DOE's Plan as submitted violates those promises made by DOE and, in many respects, violates the Permit requirements.

I respectfully urge the NMED to reject the Plan as submitted and to ensure that there is compliance with the Permit Condition 4.2.1.5-Legacy TRU Waste Disposal Plan, in which the following provisions must be clearly defined and strictly enforced by NMED:

Legacy Waste must be defined as having been generated before 1999, when WIPP opened.

In order to protect the 3,000 square mile regional Española Basin Sole Source Drinking Water Aquifer, LANL's pre-1999 legacy waste must be prioritized for disposal now over other waste, including transuranic waste from expanded plutonium pit production at LANL and SRS.

And conditions must be added to the Plan requiring DOE to support generator sites to process their legacy waste so that it may be disposed at WIPP when space is available in Panels 11 and 12 in the 2030 timeframe.

I am counting on NMED to require DOE to fully comply with your revised and compliant Legacy TRU Waste Disposal Plan. Thank you for your careful consideration of these comments.

Sincerely,
Y-M Lee ▪

WIPP Information Center
4021 National Parks Highway
Carlsbad, NM 88220

November 21, 2024

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed of at WIPP.

The Department of Energy **agreed** to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some of the TRU waste will be disposed of in a repository in **another** state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

As a lifelong citizen of New Mexico, I request that the plan submitted by DOE, the Transuranic Legacy Waste Plan, to the NM Environment Department on November 4, 2024, **NOT** be accepted, because it does not meet the specifications of the permit, signed in 2023. The DOE **must** prioritize legacy LANL waste going into Panels 11 and 12 at WIPP.

Sincerely,



Meredith Bunting



Dec. 28, 2024

Mr. JohnDavid Nance, Bureau Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Comments on Legacy TRU Waste Disposal Plan, Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Dear Mr. Nance:

Please accept this letter on behalf of the Carlsbad Mayor's Nuclear Task Force, which consists of business and community leaders representing Carlsbad and Eddy County. This letter is being submitted in support of the draft Legacy TRU waste plan, which was presented to the New Mexico Environment Department on Nov. 4, 2024. This plan, essentially, takes the position that all plutonium created for weapons production should meet the definition of "legacy" waste if it was stored, or if it was newly generated for disposal of surplus weapons material.

We appreciate the pragmatic approach taken by the Legacy TRU waste plan in acknowledging critical cleanup efforts around the country, particularly at the Hanford site, which will dominate TRU waste shipping well into disposal operations in Panel 12. The plan also recognizes the "newly" generated waste that will continue to be created from future nuclear weapons refurbishment and modernization by the National Nuclear Security Administration (NNSA) at the Los Alamos and Savannah River sites. It is prudent, and wise stewardship, to plan for the eventual disposition of such wastes, lest we find ourselves with a need for future environmental cleanup. Let us not forget how we got here.

Opposition to the waste plan, based upon prior comments, seems to revolve around the fact that cleanup is desired at Los Alamos. While we strongly concur that Los Alamos cleanup must remain a priority, we also believe that this obligation in no way conflicts with other, equally commendable cleanup and waste management goals.

Other opposition comments seem to focus inexplicably on defining "legacy" as "prior to 1999, WIPP's opening year. As NMED knows, every TRU waste atom ever created was before 1987, when the final production reactor at Hanford was shut down. We believe it is sheer folly to identify the word "legacy" with a specific date, as there will inevitably be exceptions to any rule. The goal is to prioritize TRU waste disposal from LANL, and to the extent practical, ensure that there will be disposal capacity for newly generated waste from LANL. The goal is not to stop TRU waste shipments from other sites at the expense of increased risk at those sites.

The Carlsbad Mayor's Nuclear Task Force strongly believes that the Waste Isolation Pilot Plant must be practically put to good use, and that cleanup of the nation's legacy TRU waste is an honorable, ongoing obligation.

We appreciate all of the hard work put into the development of this Legacy TRU waste plan and endorse the effort due to its sensibility.

Sincerely,

Jack Volpato, Carlsbad Mayor's Nuclear Task Force

cc:

R. Maestas, NMED

M. Mclean, NMED

A. Donahue, NMED

From: Lawrence Fioretta
Sent: Monday, December 30, 2024 10:35 AM
To: LTWDP
Cc: Lawrence Fioretta
Subject: Legacy Waste Disposal Plan

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for information.

December 30, 2024

Dear New Mexico Environment Department,

The provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) requires that DOE create a Legacy Waste Disposal Plan.

This plan must define "legacy waste," explain how and when it will be transferred to WIPP and prioritize this waste over more recently generated waste.

Regulations must be clearly defined and implemented on an urgent basis by DOE. Legacy waste at LANL is not stored safely and continues to pose a serious risk to New Mexicans.

Legacy waste includes those dangerous materials that WIPP was originally intended to hold. This waste represents a serious ongoing risk to our community, and it must be placed in WIPP before a disaster happens.

Our families depend on the safety of DOE's actions. Our lives are at risk, as well as our homes, properties, and the environment. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan that DOE submitted on November 4, 2024 is inadequate and should not be accepted by NMED. It does not meet the requirements of the permit.

Please confirm that you are doing everything possible to address our urgent concerns. Thank you for your cooperation.

Sincerely,

Lawrence Fioretta

From: Dorothy Holland
Sent: Monday, December 23, 2024 11:32 PM
To: LTWDP
Subject: Comment Letter

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for information.

Dear New Mexico Environment Department,

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

The Plan as submitted by the DOE is **clearly** inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened.
2. Legacy Waste is prioritized, especially LANL Legacy Waste.
3. Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.
4. Finally the Plan must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico. We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,

Dorothy Holland

From: Gordon's Mail
Sent: Monday, December 23, 2024 3:52 PM
To: LTWDP
Subject: WIPP Legacy disposal plan

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For \$1-2Billion each, thorium fueled molten salt reactors (MSR's) could be built at each waste production and storage site, which could burn the waste to produce valuable energy and isotopes for medical and space power applications. Some waste would still result but in much smaller quantities and it would decay in a few hundred years instead of tens of thousands of years.

I recommend that DOE be required to ask for and fairly evaluate proposals to do so from Flibe Energy Systems in U.S., and Copenhagen Atomics in Denmark before they are permitted to proceed further with current WIPP storage plans.

Sincerely

Gordon Moe
Sent from my iPhone

From: Pruitt, Douglas M
Sent: Monday, December 23, 2024 11:29 AM
To: LTWDP
Cc: Pete Johansen; Mark Clough; Natalie K. Walker; Hannah Young; Miller, Danielle - DOE ID; Brown, Mark C; Mitchell-Williams, Maria M; Larsen, Rotjane D; Harvey, Chris; Butler, Tauna D; Hernandez, Nicole K
Subject: Idaho comments

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for information.

The DOE Idaho Operations Office, Idaho Cleanup Project held conversations with the Idaho Department of Environmental Quality on December 16, 2024 to review the proposed language and information found on the link: <https://wipp.energy.gov/Legacy-TRU-Waste-Disposal-Plan.asp> regarding the Legacy TRU Waste Disposal Plan

During the discussion, the language was reviewed and dialogue from the call participants allowed for understanding of the information included at the link. One comment we discussed is as follows:

Page 22 of 24, Section 2.2.3, 3rd paragraph, list of bulleted items:

Please clarify if the INL Federal Facility Agreement and Consent Order (FFA/CO) dated December 4, 1991, was considered in developing DOE's "Legacy TRU Waste Disposal Plan." The FFA/CO and associated Action Plan are important agreements signed by IDEQ, EPA, and DOE with enforceable deadlines, and numerous CERCLA documents which specify that the targeted waste retrieved from the Subsurface Disposal Area be shipped to WIPP, including the Record of Decision for Radioactive Waste Management Complex Operable Unit 7-13/14 (DOE/ID-11359, September 2008).

As applicable, add text to the list of requirements explaining that CBFO considered the INL FFA/CO in developing the "Legacy TRU Waste Disposal Plan," similar to the description of Hanford's Tri-Party Agreement that is mentioned in Section 2.2.2.

We appreciate the opportunity to review the Legacy TRU Waste Disposal Plan and to offer our questions, comments, and feedback. We look forward to many more years of collaborative work to complete the removal and safe disposal of waste safely and efficiently.

Regards,
Doug Pruitt, DOE-ID
Assistant Manager
Environment and Waste Programs
Idaho Cleanup Project

From:
Sent: Friday, December 20, 2024 7:51 AM
To: LTWDP
Subject: Disposal plan

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I respectfully submit that storage of this waste below ground in a salt bed is the best alternative.
Much better than the above ground temporary storage currently being used.
There is no reason to stop accepting waste for WIPP early.
James Sprinkle

Sent from my iPhone

From: Douglas Meiklejohn
Sent: Thursday, December 19, 2024 2:11 PM
To: LTWDP
Subject: Comments on Legacy TRU Waste Disposal Plan
Attachments: WIPP 2025 LEGACY WASTE DISPOSAL PLAN COMMENT (12-19-24).pdf

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The message to LTWDP@wipp.doe.gov on Thu Dec 19 2024 14:11:18 contains a file attachment:
WIPP 2025 LEGACY WASTE DISPOSAL PLAN COMMENT (12-19-24).pdf
that may have been dropped.

Good afternoon,

I have attached Conservation Voters New Mexico's comments on the Legacy TRU Waste Disposal Plan prepared by the U.S. Department of Energy and Salado Isolation Mining Contractors, LLC.

I would appreciate it if you would acknowledge receipt of these comments and inform me when they have been forwarded to the New Mexico Environment Department.

Thank you.

Douglas Meiklejohn

--



Douglas Meiklejohn
He
Water Quality & Land Restoration Advocate



www.cvnm.org

 Please consider the environment before printing this email





December 19, 2024

Conservation Voters New Mexico's
comments on
the Legacy TRU Waste Disposal Plan for
the Waste Isolation Pilot Plant

By electronic mail (LTWDP@wipp.doe.gov.)

Conservation Voters New Mexico hereby submits the following comments on the Legacy TRU Waste Disposal Plan for the Waste Isolation Pilot Plant prepared by the United States Department of Energy and Salado Isolation Mining Contractors, LLC (referred to collectively as “the Permittees”) and submitted to the New Mexico Environment Department on November 4, 2024.

As is explained more fully below, the Permittees’ Legacy TRU Waste Disposal Plan fails to comply with the requirements of the New Mexico Hazardous Waste Act Permit that governs the operations of the Waste Isolation Pilot Plant. As is also explained, that Plan is deficient in other ways as well.

The Permittees’ Plan therefore should be rejected by the New Mexico Environment Department, and the Department should prepare a substitute Plan that complies with all applicable requirements.

Introduction

Conservation Voters New Mexico (“CVNM”) is a statewide non-profit non-partisan organization that values responsible stewardship of New Mexico’s water, land, and other natural resources. CVNM believes that ecological health and social equity among New Mexico’s diverse and culturally rich communities protect our state’s quality of life. CVNM is dedicated to ensuring democratic accountability and access for all New Mexicans in decision making at all levels

of government. CVNM supports policies that promote long-term ecological and economic sustainability.

CVNM’s concerns about the Legacy TRU Waste Disposal Plan for the Waste Isolation Pilot Plant dated November 4, 2024 (“the Legacy TRU Waste Disposal Plan” or “the Plan”) are based on CVNM’s commitment to protection of New Mexico’s communities and environment and CVNM’s commitment to democratic accountability and access for all New Mexicans in decision making at all levels of government. It is CVNM’s position that all New Mexicans must be able to be aware of, to understand, and to influence governmental decisions that affect them and their environments.¹

Based on CVNM’s values and commitments, CVNM participated in the negotiations concerning the New Mexico Hazardous Waste Act Permit (“the Hazardous Waste Act Permit” or “the Permit”) that was issued to the Permittees for the Waste Isolation Pilot Plant (“WIPP”) by the New Mexico Environment Department (“NMED”).

The following CVNM comments on the Legacy TRU Waste Disposal Plan are based on CVNM’s values and on CVNM’s participation in those negotiations.

Argument

I. CVNM’s concerns about the Legacy TRU Waste Disposal Plan are based on the impacts on New Mexico residents of disposal of TRU waste, including legacy TRU waste, at the Waste Isolation Pilot Plant.

CVNM is concerned about the Legacy TRU Waste Disposal Plan for several reasons, including but not necessarily limited to the following:

- First, the Legacy TRU Waste Disposal Plan involves the removal of TRU waste, including legacy TRU waste, from the Los Alamos National Laboratory (“LANL”), which is surrounded by several New Mexico communities, including several Pueblo Nations;

¹ In addition to the substantive concerns CVNM has raised in these comments, CVNM is concerned about the Permittees’ failure to make their Plan available in Spanish for the Spanish speaking residents of New Mexico in the communities that surround WIPP and in the communities on the routes to WIPP.

- Second, the Plan involves the transport of TRU waste, including legacy TRU waste, to WIPP through New Mexico communities, including the communities that surround LANL;
- Third, the existence and operation of WIPP pose risks to the New Mexico communities that surround WIPP;
- Finally, decisions that are made about WIPP, including decisions about the Legacy TRU Waste Disposal Plan, are both technical and political decisions that should reflect the concerns of New Mexico communities and the residents of those communities.

II. The Legacy TRU Waste Disposal Plan developed by the Permittees is inadequate because it fails to define “legacy TRU waste and legacy TRU mixed waste” appropriately.

A. The Legacy TRU Waste Disposal Plan is required by the New Mexico Hazardous Waste Act Permit issued by NMED to the Permittees for WIPP.

The requirement that the Permittees develop the Legacy TRU Waste Disposal Plan is provided by the Hazardous Waste Act Permit for WIPP issued to the Permittees. Section 4.2.1.5 of that Permit provides:

Legacy TRU Waste Disposal Plan

The Permittees shall define legacy TRU and TRU mixed waste and develop the Legacy TRU Waste Disposal Plan (Plan). The Plan will be developed in consultation with the generator/storage sites and stakeholders. Consultation with stakeholders shall begin within 90 days of the effective date of this Permit. The Plan shall be submitted to the Secretary within one year of the effective date of this Permit. The Permittees shall seek public input for 60 days following the submittal of the Plan and submit received comments to the Secretary. To the extent practicable as articulated in the final Plan, Panel 12 will be reserved for the disposal of legacy TRU mixed waste.

The Plan fails to comply with the requirements of this section.

B. The Legacy TRU Waste Disposal Plan fails to provide a defensible definition of “legacy TRU and legacy TRU mixed waste.”

The most fundamental flaw in the Legacy TRU Waste Disposal Plan developed by the Permittees is the failure of the Plan to provide a definition of “legacy TRU waste and TRU mixed waste” that complies with section 4.1.2.5 of the permit.

The Plan’s definition of “legacy TRU Waste and Legacy TRU Mixed Waste” is set forth on page seven of the Plan. It states:

Legacy TRU and Legacy TRU mixed waste

Legacy TRU and Legacy TRU mixed waste is defense-related TRU waste generated from past defense activities and placed in retrievable storage since 1970 or generated from the safe cleanup and risk reduction of the environmental legacy resulting from decades of nuclear weapons development and past defense-related testing and research.

Legacy TRU Waste Disposal Plan, section 4.2, page 7.

According to this definition, “Legacy TRU and Legacy TRU mixed waste” can include any TRU waste or TRU mixed waste regardless of when it was generated. The first part of the definition indicates only that the waste must have been “generated from past defense activities” and placed in “retrievable storage since 1970”. However, there is no definition of what is meant by “past defense activities”. Specifically, there is no indication of what the word “past” means since there is no reference to a date or even a year in that part of the definition.

The second part of this definition is even more vague. It indicates only that the TRU and TRU mixed waste must have been “generated from the safe cleanup and risk reduction of the environmental legacy resulting from decades of nuclear weapons development and past defense-related testing and research.” As with the first part of the definition, there is neither any indication what is meant by “past” nor any reference to a specific date or even a specific year to guide interpretation of the word “past”. Moreover, the second part of the definition means that legacy TRU waste and legacy TRU mixed waste could include waste and mixed waste generated at any time, including the past, the

present, and the future. Indeed, the Plan's own list of wastes within the Plan's definition includes two examples of waste to be generated in the future. *See* Plan pages 8-9, bullet points two and six.

Each of the two parts of this definition is directly at odds with the mandate set forth in section 4.2.1.5 of the Permit. That section requires a definition of "legacy TRU waste and TRU mixed waste". In that phrase, the word "legacy" is used as an adjective because it modifies "TRU waste" and "TRU mixed waste". However, the adjective "legacy" means "of, relating to, associated with, or carried over from an earlier time, technology, business, etc."²

Thus, the phrase "legacy TRU waste and TRU mixed waste" means only TRU waste and TRU mixed waste that has been generated in the past. It does not include TRU waste and TRU mixed waste that is being generated in the present or that will be generated in the future.

- C. The NMED should define "legacy TRU waste and legacy TRU mixed waste" as having been generated before 1999.

Because the Legacy Waste Disposal Plan prepared by the Permittees does not provide an adequate definition of "legacy TRU waste and legacy TRU mixed waste", the NMED should reject that Plan and prepare a plan that includes a proper definition of "legacy TRU waste and legacy TRU mixed waste".

The purpose of the legacy TRU waste and TRU mixed waste plan is to address disposal of legacy TRU waste and TRU mixed waste in WIPP. For that reason, the definition of "legacy TRU waste and TRU mixed waste" should be tied to timing related to WIPP. Because WIPP opened in 1999, the following definition would be appropriate:

Legacy TRU and Legacy TRU mixed waste is defense-related TRU waste generated from defense activities and managed as TRU waste as of 1999, when WIPP opened. Any waste or material that does not meet that definition is "non-legacy" waste.

² Merriam-Webster.com/dictionary/legacy#dictionary-entry-2 (accessed on 12-10-24). Even the Permittees' Plan states that: "Legacy waste is generally understood to be waste associated with historical activities." Permittees' Plan, page 5, second full paragraph.

CVNM therefore urges the NMED to substitute this definition for the Permittees' inappropriate definition.

III. The Legacy TRU Waste Disposal Plan must prioritize disposal of legacy waste, particularly legacy waste from LANL.

When WIPP was originally proposed to be located in New Mexico, one of the principal arguments made to New Mexicans to justify locating the facility in their state was that it would be used to clean up legacy waste at LANL.³ In addition, section 4.2.1.4 of the Hazardous Waste Act Permit mandates both that the Permittees certify annually that there is adequate TRU Mixed Waste Volume capacity in permitted HDWUs space in WIPP to dispose of New Mexico generator/storage site waste outlined in this report and that the Permittees give priority to disposal of legacy TRU waste from cleanup activities at LANL. That section provides:

Prioritization and Risk Reduction of New Mexico Waste

Pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.10.k), within 15 days of publishing the Annual Transuranic Waste Inventory Report (ATWIR), the Permittees shall certify to the NMED that there is sufficient TRU Mixed Waste Volume capacity in permitted HDWUs to dispose of the New Mexico generator/storage site waste detailed in this report. The certification shall contain the underlying calculations and data used to validate the certification. While this permit remains in effect, the Permittees shall prioritize by so certifying the emplacement at WIPP of stored (including buried) TRU mixed waste from the clean-up activities at the Los Alamos National Laboratory (LANL).

Thus the Permit provides a clear emphasis on disposal of New Mexico waste generally and disposal of LANL waste specifically. Despite that, and despite the impacts of legacy waste at LANL on the environment,⁴ the Permittees' Legacy TRU Waste Disposal Plan's discussion about disposal of

³ Moreover, the argument for WIPP included the assertion that LANL legacy waste could be cleaned up and WIPP closed within 25 years, *i.e.*, in 2024.

⁴ Some of the legacy waste at LANL has contaminated the local aquifer, and some of that waste is stored in tents that are vulnerable to forest fires.

legacy waste, including legacy waste from LANL, consists primarily of a series of excuses for the disposal of non-legacy waste in WIPP Panel 12.

The Plan acknowledges the Permittees' obligation to prioritize disposal of legacy TRU waste in WIPP Panel 12, but then lists all of the factors that may make doing so impossible. The Permittees' Plan section 5.1 states, in part:

Permittees are committed to prioritizing disposal of legacy TRU waste in Panel 12. However, some factors are outside the Permittees' control regarding the availability of Legacy TRU waste from generator sites for the duration of disposal in Panel 12. In addition, regulatory and operational constraints or requirements – either at WIPP or at TRU generator sites – may dictate receipt of non-legacy TRU waste.

The Permittees' Legacy TRU Waste Disposal Plan then spends more than two pages, including six specific bullet points (on Plan page 10), explaining all of the factors that may make it impossible for the Permittees to comply with the Permit's requirement that New Mexico legacy TRU waste and LANL legacy TRU waste be prioritized for disposal in WIPP.

For that reason, the Plan should include language to the effect that the U.S. Department of Energy ("DOE") will work with generator sites, particularly LANL, to assist them in the preparation of legacy TRU waste for disposal in Panel 12 when it is available to receive such waste.

IV. The Legacy TRU Waste Disposal Plan should address the mandate that the DOE submit a report each year summarizing the steps taken towards siting of another TRU waste repository in a state other than New Mexico.

The Hazardous Waste Act Permit makes clear that the DOE is to report each year on its progress towards siting another TRU waste repository in a state other than New Mexico. Section 2.14.3 of the Permit provides:

2.14.3 Repository Siting Annual Report

The DOE shall submit an annual report summarizing its progress toward siting another repository for TRU waste in a state other than New Mexico. The annual report shall summarize the steps the DOE has taken toward siting such a repository in another state and the

report shall include documentation supporting the summary. Such documentation may include: with what disposal regulations another repository shall comply; consent-based or other siting process, timeline and milestones for identifying possible sites for another repository; National Environmental Policy Act actions, congressional authorizations and budget appropriation requests; communications with EPA and other federal agencies or Congress about activities to establish another repository; land acquisition(s); state and public engagement activities; feasibility studies; design, construction, and operation plans; and plans, timelines, and milestones for independent technical expert reviews of the activities related to establishing another repository for TRU waste.

This requirement is consistent with the representations made to New Mexico residents when WIPP was being planned and when it opened. As was noted earlier, WIPP was supposed to operate for 25 years, during which cleanup of the legacy waste at LANL would be completed. Moreover, this provision of the Permit that calls for a report each year on the progress towards siting another waste disposal facility is also consistent with the name of the WIPP facility. It is a “Pilot Plant”. In other words, it is a Plant whose purpose is to demonstrate that burial of TRU waste in salt beds is a feasible means of disposing of that waste.⁵

Thus WIPP was not meant to be the only repository for disposal of legacy TRU waste and TRU mixed waste. Rather, WIPP was supposed to be a facility that demonstrates that TRU waste and TRU mixed waste can be disposed of safely buried in salt beds. Based on that demonstration, other disposal facilities could be developed.

Thus, the Legacy TRU Waste Disposal Plan should include language referring to the annual progress report that is called for by section 2.14.3 of the Hazardous Waste Act Permit.

⁵ The Permittees’ Plan itself states that: “The WIPP project was authorized as a defense activity *to demonstrate* the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States (Public Law 96-164).” Permittees’ Plan, page 4, paragraph 2, emphasis added.

Conclusion

For all of these reasons, the NMED should reject the Legacy TRU Waste Disposal Plan submitted by the Permittees on November 4, 2024, and should substitute a replacement Plan that incorporates the necessary changes outlined in CVNM’s comments spelled out above.

Dated: December 19, 2024.

Douglas Meiklejohn
Water Quality & Land Restoration Advocate
Conservation Voters New Mexico

Copies to:

Mark Bollinger
Manager
Carlsbad Field Office
U.S. Department of Energy
By electronic mail
()

Kenneth Harrawood
Program Manager
Salado Isolation Mining
Contractors, LLC
By electronic mail
()

The Honorable James Kenney
Secretary
New Mexico
Environment Department
By electronic mail
()

Megan McLean, Bureau Chief
Hazardous Waste Bureau
New Mexico
Environment Department
By electronic mail
()

From: Hildegard Adams
Sent: Thursday, December 19, 2024 10:59 AM
To: LTWDP
Subject: possible WIPP expansion

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<https://aka.ms/LearnAboutSenderIdentification>]

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests for information.

Dear Sirs/Madams,
I'm just saying NO to any further expansion to WIPP ! As a long time New Mexican I'm saying NO to accepting the whole nation's nuclear waste . And I NEVER said 'Yes' in the first place to being the nation's 'nuclear sacrifice zone'.
STOP making the waste, how about that idea ?
Sincerely,
H. Adams,

Sent from my iPhone

From: Cynthia McNamara
Sent: Wednesday, December 18, 2024 7:30 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
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New Mexico Environment Department:

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

The Plan as submitted by the DOE is clearly inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened.
2. Legacy Waste is prioritized, especially LANL Legacy Waste.
3. Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.
4. Finally the Plan must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. **The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico.**

We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.
Thank you for your consideration.

Sincerely,
Cynthia McNamara

December 18, 2024

From: SICILIA Tom * ODOE
Sent: Wednesday, December 18, 2024 1:37 PM
To: LTWDP
Cc: WOODS Maxwell * ODOE; Jeff Wyatt; ; Schleif, Stephanie (ECY); Colborn, Jennifer M; ; Laurene Contreras; Tony Smith; ; Susan Coleman; HUNTINGTON Geoff * GOV
Subject: Oregon comments on Legacy TRU definition
Attachments: 2024 Oregon Comments on Carlsbad Legacy TRU definition.pdf

You don't often get email from [redacted] . [Learn why this is important](#)

The message to LTWDP@wipp.doe.gov on Wed Dec 18 2024 13:37:25 contains a file attachment:
image001.png
image002.png
2024 Oregon Comments on Carlsbad Legacy TRU definition.pdf
that may have been dropped.

Good Afternoon,

Please find the attached letter with Oregon's comments on the Carlsbad Field Office's proposed definition of Legacy Transuranic Waste. Feel free to reach out if you have any questions or if you would like to discuss the comments.

Thank you,
Tom



Tom Sicilia, PG
Hanford Hydrogeologist/Fuels Specialist



Stay connected!



Oregon

Tina Kotek, Governor



December 18, 2024

Sent via email: LTWDP@wipp.doe.gov

550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

RE: Oregon Feedback and Comment on Proposed Definition of Legacy Transuranic Waste by the Carlsbad Field Office

To whom it may concern,

Oregon appreciates the opportunity to provide input on the proposed definition of Legacy Transuranic Waste for placement prioritization in the Waste Isolation Pilot Project Panel 12 to the extent practicable. The definition as presented is reasonable and appropriate, and successfully captures retrievably-stored and remediation/risk reduction wastes. Given the time periods and complex missions ahead, we welcome the DOE-Carlsbad Field Office's forward thinking in including waste sites - including some at the Hanford site - which are not yet included in a Record of Decision.

We acknowledge the complexity and multifaceted approach needed to develop this definition. We do question the inclusion of the down-blended NNSA "dilute and dispose" waste as Legacy TRU. While safe and permanent disposal of this material is important, we consider it to be outside of the activities associated with remediating the legacy of the weapons complex. We are concerned that the significant volume increase associated with the down-blending process will prevent Panel-12 placement of remediation wastes which must be removed from the accessible environment, for example, contaminated soil or other wastes from the Hanford site.

With the expected resumption of TRU shipments to Carlsbad from Hanford through Oregon, we also wanted to take this opportunity to commend DOE-Carlsbad Field office on their transportation safety program. The extensive outreach, training, and willingness to host tours of the WIPP facility remain exemplary examples of effective stakeholder engagement. Oregon looks forward to increased engagement and specific training for our first responder community along the Hanford-WIPP transportation route in the coming years ahead of the Hanford TRU shipments. We hope that as non-transuranic waste shipment campaigns are planned, Carlsbad Field Office will be willing to share lessons learned with the other field offices around the complex to ensure awareness and preparedness programs are successful. If you have any questions or would like to discuss these comments, please contact me or my Assistant Director, Max Woods.

Thank you.

Tom Sicilia, RG
Hanford Hydrogeologist

for

Jeff Wyatt
Chair, Oregon Hanford Cleanup Board

Cc: Dave Einan, U.S. Environmental Protection Agency
Stephanie Schleif, Washington Department of Ecology
Jennifer Colborn, U.S. Department of Energy, Hanford Field Office
Mason Murphy, Confederated Tribes of the Umatilla Indian Reservation
Laurene Contreras, Yakama Indian Nation
Anthony Smith, Nez Perce Tribe
Susan Coleman, Hanford Advisory Board
Geoff Huntington, Office of Governor Tina Kotek

From: Barbara Tiwald
Sent: Tuesday, December 17, 2024 7:50 AM
To: LTWDP
Subject: Comment Letter

You don't often get email from [redacted]. [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Dear New Mexico Environment Department,

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

The Plan as submitted by the DOE is clearly inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened.
2. Legacy Waste is prioritized, especially LANL Legacy Waste.
3. Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.
4. Finally the Plan must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico. We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,
Barbara Tiwald

From: Jean Nichols
Sent: Monday, December 16, 2024 7:37 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

You don't often get email from [redacted] . [Learn why this is important](#)

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December 2024

Dear New Mexico Environment Department,

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WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of

operation. *The Legacy Waste Disposal Plan* as submitted violates all those promises made to the State and the people of New Mexico.

We have put up with years of toxic contamination in northern New Mexico from LANL. In 2006 a study of dust in homes and soils in gardens produced disturbing reports of high levels of beryllium, strontium 90 and other toxins that are not naturally occurring and had to come from work at the lab. Two wildfires came critically close to incinerating the waste in Area G. Enough is enough! We need to get that waste off the hill and into WIPP before WIPP reaches capacity from other waste streams.

We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the *Legacy Waste Disposal Plan*.
Thanks for your consideration.

Sincerely,

Jean Nichols

A white rectangular redaction box covering the signature of Jean Nichols.

Date

From: JIM OYSTER
Sent: Monday, December 16, 2024 2:27 PM
To: LTWDP
Subject: Legacy Waste Plan

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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for information.

Dear New Mexico Environment Department,

The current permit agreed to by New Mexico and the Department of Energy (DOE) requires that DOE formulate a written plan, called the Legacy Waste Disposal Plan. The plan must:

- define “legacy waste,”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste.

Both the regulations and the safety of the public demand that DOE clearly spell out these items, and soon.

At Los Alamos National Labs (LANL), legacy waste now sits in tents where it is susceptible to forest fires. Indeed, LANL has recently been within five miles of out-of-control fires. The waste thus stored at LANL threatens New Mexicans as long as it remains there. If it reached them a fire could vaporize the plutonium contents of the drums and spread that vaporized plutonium over a wide area of New Mexico and other states, making them uninhabitable disaster zones. DOE’s present mandate, the one for which it has been responsible since WIPP opened, is to move this dangerous waste to WIPP, where it will be less risky to the public. Once that is done, WIPP can be closed as originally intended

My neighbors and I in northern New Mexico depend on the safety of DOE’s actions. Our families, our homes, our neighborhoods, and our businesses depend on the federal government managing nuclear waste as safely as possible, and we depend on NMED to help ensure that the federal government does so.

The plan DOE submitted on Nov. 4, 2024, is completely inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit.

Sincerely,

James Randall Oyster, (285 Alliance)

From: Lynne Gaffikin
Sent: Sunday, December 15, 2024 12:54 PM
To: LTWDP
Subject: Comment Letter

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We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,
Lynne Gaffikin

From: Ann Maes
Sent: Sunday, December 15, 2024 8:59 AM
To: LTWDP
Subject: Comment Letter

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We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,
Ann & Tomas Maes

From: hellolilla
Sent: Sunday, December 15, 2024 10:04 AM
To: LTWDP
Subject: Comment Letter

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We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,
Lilla Hangay

From: MICHAEL SHARBER
Sent: Sunday, December 15, 2024 8:05 AM
To: LTWDP
Subject: Comment Letter

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The Plan as submitted by the DOE is clearly inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

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We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration. Please make other States share this burden.

Sincerely,

Name Michael & Jackie Sharber

Address.

From: Bill Tiwald
Sent: Monday, December 16, 2024 11:05 AM
To: LTWDP
Subject: comment on Legacy Waste Disposal Plan

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WARNING - EXTERNAL EMAIL

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for information.

LTWDP@wipp.doe.gov

December 16, 2024

Dear New Mexico Environment Department,

We appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. As you know, on November 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

The Plan as submitted by the DOE is inadequate.

It violates the Permit Agreement. It does not comply with important provisions in the Permit.

We urge NMED to re-write or require the DOE to rewrite parts of the Plan so that the following provisions are clear:

1. *Legacy Waste* is defined as generated by 1999 when WIPP opened.
2. *Legacy Waste* is prioritized, especially LANL *Legacy Waste*.
3. Provisions must be added to the *Plan* requiring DOE support generator sites in their work to process their *Legacy Waste*, so it is ready to be disposed of at WIPP when space is available in panels 11 and 12.
4. Finally the *Plan* provides that waste is also disposed in another state. New Mexico must not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep, geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Plan as submitted violates all those promises made to the State and the people of New Mexico.

We count on you, our watchdog regulators. So please insist that the DOE include and comply with the above four provisions in an edited Legacy Waste Disposal Plan before it's approved by the NMED.

Thanks for your consideration.

Sincerely,

Barbara and Bill Tiwald

From: Charles Powel
Sent: Monday, December 16, 2024 9:17 AM
To: LTWDP
Subject: KEEP PROMISES !

You don't often get email from [redacted]. [Learn why this is important](#)

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The Plan as submitted by the DOE is clearly inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NM **environment department** to re-write or require the **Department of Energy** to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

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geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico.

We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,

Charles Powell

--

If You Want To Thank Me For My Service,
WORK FOR PEACE

From: kevin kirby
Sent: Monday, December 16, 2024 8:27 AM
To: LTWDP
Subject: Public comment on DOE's Legacy Waste Plan

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LTWDP@wipp.doe.gov

December 16, 2024

To: New Mexico Environment Department,

Your protection of New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023 is vital to our State's future.

On Nov 4th the DOE submitted their *Legacy Waste Disposal Plan*, as required in that permit.

The *Plan* as submitted by the DOE does not safeguard our States safety, nor safeguard its future.

The *Plan* violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE to rewrite parts of the *Plan*, so that the following provisions are clearly defined and strictly enforced:

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We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the *Legacy Waste Disposal Plan*.

Thanks for holding DOE's representations to the State of New Mexico accountable.

Sincerely,

Kevin Kirby

From: Sher locked
Sent: Sunday, December 15, 2024 3:28 PM
To: LTWDP
Subject: Stop WIPP

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

You've heard it many times. We didn't want WIPP decades ago and we still don't want it now. Apparently people in DC are not able to count accurately.

However you or I feel about things, you need to follow the law.

1. *Legacy Waste* must be defined as having been generated by 1999, when WIPP opened.
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4. Finally the *Plan* must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

Do the right thing. And don't let trump *et al* bully you.

Dr G Campbell

From: Elaine Del Valle
Sent: Saturday, December 14, 2024 5:53 PM
To: LTWDP
Subject: Comment Letter

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<https://aka.ms/LearnAboutSenderIdentification>]

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We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely
ElaineDel Valle
Name
Address

From: ORIT TAMIR
Sent: Saturday, December 14, 2024 5:53 PM
To: LTWDP
Subject: Legacy Waste Plan

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Thanks for your consideration.

Sincerely,

Orit Tamir

Sent from my iPhone

From: Kathryn Sonenshine
Sent: Saturday, December 14, 2024 4:09 PM
To: LTWDP
Subject: Comment on DOE's Legacy Waste Plan

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Use caution if this message contains attachments, links or requests
for information.

December 2024

Dear New Mexico Environment Department,

I am writing to comment on DOE's Legacy Waste Plan.

The Plan as submitted by the DOE is clearly inadequate. I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit. AND the Plan, as currently submitted, does not require the DOE to facilitate cleanup of pre-1999 wastes, by supporting generator sites in their retrieval, characterization, and packaging of waste created before WIPP was opened.

I urge NMED to re-write or require the DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened.
2. Legacy Waste is prioritized, especially LANL Legacy Waste.
3. Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.
4. Finally the Plan must provide that some waste be disposed in a

repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico.

We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Sincerely,

Kathryn Sonenshine

12/14/2024

From: Ki in Pure Love & Light
Sent: Saturday, December 14, 2024 3:41 PM
To: LTWDP
Subject: The Legacy Waste Disposal Plan - comments on the recent DOE proposal

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WARNING - EXTERNAL EMAIL

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December 2024

Dear New Mexico Environment Department,

Knowing the hazardous nuclear waste exists in our world is a sad thing. It is so terribly toxic to all natural life. And what can be more important than the land, water, and air and all of Nature in our world.

I deeply hope that some day soon, there will be a way to transform all nuclear waste into biodegradable particles and healthy energies.

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

The Plan as submitted by the DOE is clearly inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE to rewrite parts of the Plan, so that the following provisions are clearly defined and strictly enforced:

1. Legacy Waste must be defined as having been generated by 1999, when WIPP opened.
2. Legacy Waste is prioritized, especially LANL Legacy Waste.
3. Provisions must be added to the Plan requiring DOE to support generator sites in their work to process their Legacy Waste, so it

is ready to be disposed at WIPP, when space is available in panels 11 and 12.

4. Finally the Plan must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Disposal Plan as submitted violates all those promises made to the State and the people of New Mexico.

We are counting on you, as supervisory regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thank you for taking this seriously.

Sincerely,

Ken Robinson

December 14, 2024

From: Therese Patton
Sent: Thursday, December 12, 2024 4:25 PM
To: LTWDP
Subject: the submitted Legacy Waste Disposal Plan is not acceptable

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WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
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Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. **The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.**

Sincerely,
Therese and David Patton
Member of Wheeler Peak Indivisible and Taos United

From: David Patton
Sent: Thursday, December 12, 2024 4:15 PM
To: LTWDP
Subject: the submitted Legacy Waste Disposal Plan is not acceptable

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
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Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. **The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.**

David Patton
member of Wheeler Peak Indivisible and Taos United

Sincerely,



Virus-free. www.avast.com

From: Stacie Slay
Sent: Thursday, December 12, 2024 12:14 PM
To: LTWDP
Subject: Plan for Legacy Waste

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Dear New Mexico Environment Department,

These comments are responses to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.
It seems to me that DOE/WIPP have missed several of the marks they needed to cover in the Legacy Waste Plan. First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.
We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and certainly haven't been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in the bag.
Those of us on the radioactive waste route are not complacent about allowing DOE free rein to keep shipping nuclear waste traffic past our homes. This overreach must stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely,

Mrs. Stacie Slay, 285 Alliance Steering Committee

12/12/2025

From: Lucy Lippard
Sent: Thursday, December 12, 2024 11:38 AM
To: LTWDP
Subject: WIPP

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WARNING - EXTERNAL EMAIL

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for information.

Dear New Mexico Environment Department,

I am responding to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4. DOE/WIPP have missed several of the marks they needed to cover in the Legacy Waste Plan.

First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.

We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and certainly haven't been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in the bag.

Those of us on the radioactive waste route are not happy about allowing DOE free rein to keep shipping nuclear waste traffic past our homes. This overreach must stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely, Lucy Lippard, 285 Alliance Steering Committee

From: Comcast IMAP
Sent: Thursday, December 12, 2024 6:29 AM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

These comments are responses to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.

It appears that DOE/WIPP has missed several of the marks they needed to cover in the Legacy Waste Plan. First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.

We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and have not been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in place.

Those of us on the radioactive waste route are not complacent about allowing DOE free rein to keep shipping nuclear waste traffic past our homes. This needs to stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely,

Lisa Leefeldt

From: Kim Crickard
Sent: Wednesday, December 11, 2024 9:35 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan - public feedback

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WARNING - EXTERNAL EMAIL

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Dear New Mexico Environment Department,

These comments are responses to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.

It seems to me that DOE/WIPP have missed several of the marks they needed to cover in the Legacy Waste Plan. First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.

I've worked in a nuclear plant as an electrician, and regardless of your plans, radioactive rods are "hot" for a half life of 100,000 years. (That plus human error, or weather events make storage in Los Alamos that much more dangerous.) This inadequate storing is only a temporary solution and should be seen as such. What's inside will eventually contaminate any and all "safe" enclosures, and should not be located anywhere near cities. Why are you not dumping these radioactive remnants in the Badlands or Mojave Desert? At least these stored items would not endanger humans. This is A VERY BAD PLAN to not only transport thru populated areas, but store this nuclear waste in Los Alamos.

We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and certainly haven't been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in the bag. That sort of cavalier attitude makes it seem like your request for public response is only for show, thereby reducing confidence in your ethics regarding this problem.

Those of us on the radioactive waste route are not complacent about allowing DOE free rein to keep shipping nuclear waste traffic past our homes. This overreach must stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely,

Name [Kim L Crickard](#) , 285 Alliance Steering Committee

Address

From: Linda Burchfiel
Sent: Wednesday, December 11, 2024 7:28 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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for information.

Dear New Mexico Environment Department,
I'm writing about the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.
DOE/WIPP have been dangerously irresponsible with the Legacy Waste Plan. They did not define legacy waste clearly, and left out waste that should be considered as legacy. DOE needs to give priority to legacy waste over newer wastes. DOE also needs to plan another repository to take the legacy waste that won't fit in panel 12.
While DOE talks about putting new waste into panels in WIPP, it is getting ahead of its skis. The missions that would generate the new waste haven't even been approved, and haven't even been requested in permits. And they certainly haven't been approved by NMED. DOE gives the impression that it is trying to bulldoze New Mexicans into accepting more and more waste.
Those of us on the radioactive waste route will not sit back and allow DOE to keep shipping nuclear waste traffic past our homes. This overreach must stop. We ask that NMED does not approve this poorly written plan and does not grant further extensions for using WIPP longer or making it larger.

Sincerely,
Linda Burchfiel, 285 Alliance Steering Committee

11 December 2024

From: Patty Sipe
Sent: Wednesday, December 11, 2024 7:05 PM
To: LTWDP
Subject: Deny DOE Legacy Waste Disposal Plan

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for information.

Dear New Mexico Environment Department,

These comments are responses to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.

It seems to me that DOE/WIPP have missed several of the marks they needed to cover in the Legacy Waste Plan. First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.

We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and certainly haven't been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in the bag.

Those of us on the radioactive waste route are not complacent about allowing DOE free rein to keep shipping nuclear waste traffic past our homes. This overreach must stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely,

Patricia Sipe

12-11-24

From: Mark Stair
Sent: Wednesday, December 11, 2024 5:14 PM
To: LTWDP
Subject: More 'Legacy Waste' is sketchy at best & does not fly!!

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The definition of 'legacy waste' reads muddled and ill-defined.

I do agree, though, it needs to be placed at PRIORITY ONE **but!**...

as of today you're 'talkin' big' w/ no back-up plan WHEN (sooner than later) 'there's no room in the inn' once WIPP filled.

This issue pales though **when** THE ACCIDENT inevitably happens and a peaceful neighborhood is permanently put in the category of a state-side Chernobyl!

Sincerely,

Mark R. Stair

From: Jean Nichols
Sent: Wednesday, December 11, 2024 4:52 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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Dear NM Env Dept,

My comments are in response to the Legacy Waste Disposal Plan submitted by the DOE on Nov 4th 2024. . There are several problems. First, the legacy waste is not clearly defined nor does it cover all the waste that should be covered. Second, it doesn't show how DOE plans to make legacy waste a priority over other types of more newly created wastes. There is too much legacy waste sitting in unsafe tents in Los Alamos. Several fires have threatened it and with the seismic conditions of the area, this is not safe for the surrounding villages and pueblos. It can rightly be considered environmental racism. Also, there was always an intention that they should be planning another waste disposal site somewhere else in the US and this is not even mentioned. What will happen to the waste that won't fit into WIPP.

We understand that the DOE is planning to put new waste from unapproved missions into WIPP. These panels haven't had permits approved by NMED. We do not give approval for the DOE to do anything they want without environmental standards and oversight. This overreach is dangerous and must stop. NM already takes on a lot of the country's nuclear development and waste and we count on your department to help keep us safe.

We ask that NMED not approve this poorly constructed plan and not grant more extensions on the time frame or expansions of the panels.

Thank you for your time and consideration of this issue.

Jean Nichols

From: Lynn Feuling
Sent: Wednesday, December 11, 2024 4:46 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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for information.

Dear New Mexico Environment Department,

These comments are responses to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.

It seems to me that DOE/WIPP have missed several of the marks they needed to cover in the Legacy Waste Plan. First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.

We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and certainly haven't been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in the bag.

Those of us on the radioactive waste route are not complacent about allowing DOE free rein to keep shipping nuclear waste traffic past our homes. This overreach must stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely,

Mr. Lynn Feuling, 285 Alliance Steering Committee

12/11/2024

From:
Sent: Wednesday, December 11, 2024 4:31 PM
To: LTWDP
Subject: Comments on Legacy Waste Disposal Plan

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WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

These comments are responses to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.

It seems to me that DOE/WIPP have missed several of the marks they needed to cover in the Legacy Waste Plan. First, the legacy waste is not clearly defined and doesn't cover all the waste that should be considered as legacy. Second, it doesn't show how DOE plans to make legacy waste the priority over other, newer wastes. And third, there is no indication that another repository is being planned to take the legacy waste that won't fit in panel 12.

We know that DOE is planning to put new waste from missions that haven't even been approved in panels in WIPP. These panels haven't been requested in permits and certainly haven't been approved by NMED. Yet, DOE continues to talk to the public as if this extra mission is already in the bag.

Those of us on the radioactive waste route are not complacent about allowing DOE free rein to keep shipping nuclear waste traffic past our homes, our families, our children. This overreach must stop. We ask that NMED not approve this poorly written plan and not grant further extensions for using WIPP longer or making it larger.

Sincerely,

Barbara Jacksha, 285 Alliance

12.11.24

From: Bert Snyder
Sent: Tuesday, December 10, 2024 3:51 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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<https://aka.ms/LearnAboutSenderIdentification>]

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Dear New Mexico Environment Department,
The current permit agreed to by New Mexico and the Department of Energy (DOE) for the operation of WIPP is very clear. It requires DOE to produce a written plan called the Legacy Waste Disposal Plan.

This plan is to define "legacy waste", explain how and when it will be stored at WIPP and, finally, prioritize this waste over any newly generated waste.

This waste is currently stored at the Los Alamos National Labs (LANL) in an unsafe manner where it is potentially a danger both to the staff at LANL and to the residents of northern New Mexico. It is a matter of utmost urgency that it be moved to WIPP as soon as possible.

For reasons unknown DOE has resisted producing this plan although it agreed to do so to meet the terms of the current permit. In a last minute attempt to comply DOE has submitted a plan which doesn't meet the requirements of the original agreement as described in paragraph 2 above.

WIPP was established as repository for legacy waste only. It is urgent that the terms of the agreement with New Mexico be honored and that its role not be expanded to include new waste or a new mission. If there is a need for another depository for such waste DOE is obligated by the Permit to find another location.

Sincerely,
Bert Snyder, 285 Alliance Steering Committee

12/10/24

From: Gail R Seydel
Sent: Saturday, December 07, 2024 8:22 AM
To: LTWDP
Subject: Legacy Waste Disposal Plan comments

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for information.

December 2024

Dear New Mexico Environment Department,

I appreciate your efforts to protect New Mexicans in the current WIPP Hazardous Waste Permit agreement of 2023. On Nov 4th the DOE submitted their Legacy Waste Disposal Plan, as required in that permit.

The Plan as submitted by the DOE is clearly inadequate.

In many respects the Plan violates the Permit Agreement, as it does not comply with important provisions in the Permit.

I urge NMED to re-write or require the DOE rewrite parts of the Plan, so that the following provisions are clearly articulated and strictly enforced:

1. *Legacy Waste* must be defined as having been generated by 1999, when WIPP opened.

The Plan as submitted defines Legacy Waste so broadly that almost all waste now and in the future could be considered Legacy Waste. The DOE wants to dispose of newly generated waste from pit production and "surplus Plutonium" in panels 11 and 12. The DOE must first and foremost maintain WIPP's mission of clean-up of waste generated before 1999.

2. *Legacy Waste* is prioritized, especially LANL *Legacy Waste*.

This is an extremely important point in the protection of New Mexicans as LANL and its Legacy Waste is, in some cases buried and leaking into the environment, contaminating local aquifers and the Rio Grande and, in other cases, is stored in tents vulnerable to forest fires. The Plan does not prioritize the removal of pre-1999 waste from LANL as required in the permit.

3. Provisions must be added to the *Plan* requiring DOE to support generator sites in their work to process their *Legacy Waste*, so it is ready to be disposed at WIPP, when space is available in panels 11 and 12.

DOE has shown bad faith in the past and the plan, as currently submitted, does not require the DOE facilitate clean up of pre-1999 wastes, by supporting generator sites in their retrieval and packaging of waste created before WIPP was opened. It bears repeating that the Plan must fulfill WIPP's mission of clean up of Legacy waste.

4. Finally the *Plan* must provide that some waste be disposed in a repository in another state, so that New Mexico does not bear the entire burden of disposal of military nuclear waste.

WIPP was sold to New Mexicans as a pilot project, to clean up Cold War waste, as a test case for deep geologic nuclear waste disposal, and to be closed after 25 years of operation. The Legacy Waste Plan as submitted violates all those promises made to the State and the people of New Mexico.

We are counting on you, our watchdog regulators, to require that the DOE comply with the above four provisions in the Legacy Waste Disposal Plan.

Thanks for your consideration.

Gail Robin Seydel

From: Epping, Ed
Sent: Wednesday, December 04, 2024 5:18 PM
To: LTWDP
Subject: Re: Current WIPP operating permit

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for information.

Dear New Mexico Environment Department,
This email refers to the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE).

This agreement requires that DOE create a Legacy Waste Disposal Plan.
The plan must:

1. define "legacy waste,"
2. explain how and when it will be emplaced in WIPP, and
3. prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be **stated clearly, specific in detail, and implemented soon by DOE**. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE's actions. Our most important investments are our **health, well being, homes, businesses, and properties**. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn't meet the permit requirements.

Legacy waste is the waste WIPP was initially meant to hold. It must be placed in WIPP before a disaster occurs.

How you treat this moment will be your legacy.
Sincerely,

Ed Epping

From: Marla Painter
Sent: Tuesday, December 03, 2024 11:15 AM
To: LTWDP
Subject: Regarding the LANL Legacy Waste

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for information.

I have been writing to the DOE regarding cleaning up LANL for at least 40 years now.

Why is it so impossible for the DOE to do the right thing? Why is it that no one there has a morsel of decency?

Safely dispose of the LANL waste, NOW. Maybe you all will die peacefully if you manage to do that one thing. I have little hope for all the other radioactive waste you are leaving for our kids to deal with. The DOE has no moral spine and never has. Shame on you.

Marla Painter
Albuquerque, NM

--
Marla Painter

"It is difficult to get a man to understand something when his salary depends upon his not understanding it." –Upton Sinclair

From: Paul Leo
Sent: Monday, December 02, 2024 2:41 PM
To: LTWDP
Subject: WIPP operating permit comments

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WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

This email refers to the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define “legacy waste,”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE’s actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit.

Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Sincerely,

Paul Leo

From: Jana Gunnell
Sent: Monday, December 02, 2024 7:20 AM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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Dear New Mexico Environment Department,

This email refers to the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define “legacy waste,”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE’s actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit.

Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Sincerely,
Jana Gunnell, MD, MPH
NMDOH (retired)

From: Sandra Blakeslee
Sent: Sunday, December 01, 2024 6:05 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

[You don't often get email from . Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests for information.

Dear New Mexico Environment Department,

My comments are in response to the Legacy Waste Disposal Plan submitted by the Department of Energy (DOE) on Nov. 4.

The DOE plan is inadequate. It fails to clearly define legacy waste nor show how it will be prioritized over any newly generated waste.

Legacy waste is the original waste that WIPP should have already emplaced in the repository which, as promised, should have closed in 2024. But because DOE allowed a drum of waste to explode in WIPP, shutting it for three years, this mission was never completed. DOE is resisting finishing the emplacement of this old waste and seems far more interested in finding new waste streams to fill WIPP. These new sources of waste have not been approved by NMED.

If DOE leaves the legacy waste where it is, especially at LANL, every New Mexican will be endangered by waste that is not being stored safely outside of WIPP.

We urge the NMED to not accept DOE's inadequate Legacy Waste Disposal Plan. We ask that all legacy waste be prioritized for disposal at WIPP before any newer waste is considered.

Sincerely,

Sandra Blakeslee

December 2, 2024

From: kelly maher
Sent: Sunday, December 01, 2024 11:50 AM
To: LTWDP
Subject: Legacy Waste Disposal Plan

You don't often get email from [redacted] . [Learn why this is important](#)

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

Regarding the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define “legacy waste”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico, specifically in Eldorado off highway 285. Our families depend on the safety of DOE’s actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit. Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Thank you,

Kelly Maher

12/01/2024

From: Stacie Slay
Sent: Sunday, December 01, 2024 11:18 AM
To: LTWDP
Subject: WIPP Operating Permit Comment letter Correction
Attachments: WIPP Comment.docx

You don't often get email from [redacted]. [Learn why this is important](#)

The message to LTWDP@wipp.doe.gov on Sun Dec 01 2024 11:18:14 contains a file attachment:
WIPP Comment.docx
that may have been dropped.

I have a correction to my previous letter. (see attached). I said "the Plan is not inadequate" and corrected it to "is inadequate."

Sorry for any confusions. and thank you for the opportunity to comment on this matter.

Stacie Slay

Dear New Mexico Environment Department,

This email refers to the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define “legacy waste,”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE’s actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit.

Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Sincerely,

Stacie Slay

12-01-2024

From: Fay Steving
Sent: Sunday, December 01, 2024 8:22 AM
To: LTWDP
Subject: Legacy Nuclear Waste

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,

Fay Steving

[redacted]
December 1, 2024

From: Darrel Owen
Sent: Sunday, December 01, 2024 8:06 AM
To: LTWDP
Cc: Owen Darrel
Subject: Nuclear waste from LANL

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,

Darrel Owen

12/1/24

Darrel Owen

From: Taylor Ward
Sent: Sunday, December 01, 2024 7:19 AM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

This email refers to the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define "legacy waste,"
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE's actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn't meet the requirements of the permit.

Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Sincerely,

Taylor Ward

From: Jean Stevens
Sent: Saturday, November 30, 2024 11:05 PM
To: LTWDP
Subject: Comment Letter

[You don't often get email from . Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

WARNING - EXTERNAL EMAIL

This message does not originate from a known WIPP email system.
Use caution if this message contains attachments, links or requests for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But the submitted Legacy Waste Disposal Plan is not acceptable and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,

Jean Stevens

11/30/24

Sent from my iPad

Dear New Mexico Environment Department,

This email refers to the provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define “legacy waste,”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE’s actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is not inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit.

Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Sincerely, Kara Young

From: Brad and Doug
Sent: Saturday, November 30, 2024 6:12 PM
To: LTWDP
Subject: DOE Proposal

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for information.

Dear New Mexico Environment Department,

I am commenting on the Department of Energy's submitted plan, which relates to a provision in the current WIPP operating permit between the New Mexico Environment Department and the Department of Energy (DOE) that requires that DOE create a Legacy Waste Disposal Plan. The plan must:

- define "legacy waste,"
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out and implemented soon by DOE. Legacy waste at LANL is not stored safely and threatens New Mexicans as long as it remains there.

Those of us living in northern New Mexico and our families depend on the safety of DOE's actions. Our most important assets are our homes, businesses, and properties. By not taking seriously its commitment to handle nuclear waste safely, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is inadequate and should not be accepted by NMED. It doesn't meet the requirements of the permit.

Legacy waste is the waste WIPP was originally meant to hold and must be placed in WIPP before a disaster happens.

Sincerely,

Douglas Gruenau

From: David Hollenbach
Sent: Saturday, November 30, 2024 11:45 AM
To: LTWDP
Subject: LANL nuclear waste, DOE submission

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WARNING - EXTERNAL EMAIL

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for information.

Dear New Mexico Environment Department,

Los Alamos National Labs (LANL) has contaminated New Mexico's water resources because of the careless way it treats the nuclear waste it has generated. Instead of safely disposing of it, nuclear waste has been buried inappropriately or left to sit, inadequately protected, in the forest. Much waste is leaking. Much waste is exposed to wildfires.

There is a solution: put this waste in the WIPP repository. It needs to be done now and before any newly generated waste is even considered for WIPP.

DOE was instructed in the current permit to submit a plan for this waste, called legacy waste. The plan DOE submitted, however, doesn't meet the permit requirements. We are asking that NMED not accept what DOE has submitted and require that it show how legacy waste will be prioritized over any other waste.

Sincerely,

David Hollenbach

From: Cynthia Weehler
Sent: Wednesday, November 27, 2024 4:17 PM
To: LTWDP
Subject: Legacy Waste Disposal Plan

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for information.

Dear New Mexico Environment Department,

The current permit agreed to by New Mexico and the Department of Energy (DOE) requires that DOE formulate a written plan, called the Legacy Waste Disposal Plan. The plan must:

- define “legacy waste,”
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out by DOE, and soon. At Los Alamos National Labs (LANL), the legacy waste now sits unsafely in tents where it is susceptible to forest fires. This makes it a danger to all the residents of northern New Mexico because a fire would vaporize the plutonium contents in the drums if it reached the tents, and spread it over a wide area of New Mexico and other states, making them disaster zones and uninhabitable. DOE’s present mandate, and the one it has been responsible for since WIPP opened, is to move this dangerous waste to WIPP, where it will be less of a risk to an unsuspecting public. LANL has been within less than 5 miles of out-of-control fires several times recently.

My neighbors and I live in northern New Mexico. Our families depend on the safety of DOE’s actions. Our most important investments are our homes, businesses, and properties. By not taking seriously its commitments to handling nuclear waste as safely as humanly possible, the federal government risks destroying everything we care about.

The plan DOE submitted on Nov. 4, 2024, is completely inadequate and should not be accepted by NMED. It doesn’t meet the requirements of the permit.

New Mexicans want legacy waste, the waste WIPP was originally meant to hold, emplaced in WIPP before a disaster happens. Once this is accomplished, DOE will have finally completed the one WIPP mission it was tasked with and should close. DOE’s attempts to overreach with new, unapproved

missions should be denied. New Mexico never agreed to dispose of all the nation's nuclear weapons' waste and remain open forever.

Sincerely,

Cynthia Weehler, 285 Alliance, co-Chair

Nov. 27, 2024

Dear New Mexico Environment Department,

The current permit agreed by New Mexico and the Department of Energy (DOE) requires that DOE formulate a written plan, called the Legacy Waste Disposal Plan. The plan must:

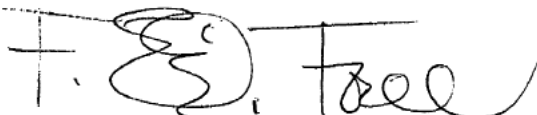
- define "legacy waste,"
- explain how and when it will be emplaced in WIPP, and
- prioritize it over any newly generated waste,

Both the regulations and the safety of the public demand that these be clearly spelled out. This legacy waste now sits unsafely at the Los Alamos National Labs (LANL), where it is a danger to all the residents of northern New Mexico. It simply must be moved to WIPP safely and soon.

The plan DOE submitted is completely inadequate and should not be accepted by NMED. It doesn't include the requirements of the permit.

New Mexicans want legacy waste, the waste WIPP was originally meant to hold, emplaced in WIPP before a disaster happens to New Mexicans. We want WIPP to close, not take in new waste or start new missions, not be forced to dispose of all the nation's nuclear weapons' waste, and not stay open forever.

Sincerely,

A handwritten signature in black ink, appearing to read "F. E. Foree". The signature is written in a cursive style with a large, stylized "E".

Elizabeth Foree, 285 Alliance Steering Committee

25Nov2024

From: Bill Riker
Sent: Thursday, November 21, 2024 11:14 AM
To: LTWDP
Subject: WIPP

You don't often get email from [redacted]. [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,
William Riker

From: Ginny Schneider
Sent: Thursday, November 21, 2024 12:40 PM
To: LTWDP
Subject: Use of WIPP

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To Whom It May Concern:

I request that NMED not approve the plan for nuclear waste disposal at WIPP and that NMED include the following requirements in the DOE's *Legacy Waste Plan*:

- That Legacy Waste be defined as waste generated by 1999 when WIPP opened.
- Prioritize and designate how all LANL Legacy Waste be disposed of, and
- Ensure that some TRU waste be disposed in another repository in another state.

Thank you,

Ginny Schneider

From: B. ANN O
Sent: Monday, November 18, 2024 10:55 AM
To: LTWDP
Subject: WIPP And Waste from Lanl

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for information.

November 18, 2024

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has CONTAMINATED local aquifers and the Rio Grande. This degradation of our water supply MUST STOP.

Nuclear waste is buried and leaking at the labs or stored in TENTS!!! (WHAT THE HECK?) vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP. And please stop producing More Radioactive Waste at LANL.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP.

But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit.

The Plan must be changed so that legacy waste is prioritized, Especially, LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened.

The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does **not** take the entire burden of disposal of military nuclear waste.

Sincerely,

Barb O'Connor



[Sent from the all new AOL app for iOS](#)

From: Valari Taylor
Sent: Monday, November 18, 2024 9:05 AM
To: LTWDP
Subject: Comment Letter

You don't often get email from [redacted] . [Learn why this is important](#)

WARNING - EXTERNAL EMAIL

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for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But the submitted Legacy Waste Disposal Plan is not acceptable and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,

Valari J Taylor

November 18, 2024

From: Cynthia McNamara
Sent: Saturday, November 16, 2024 4:32 PM
To: LTWDP
Subject: Legacy Transuranic (TRU) Waste Disposal Plan

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WARNING - EXTERNAL EMAIL

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for information.

To: New Mexico Environment Department
Re: Legacy Transuranic (TRU) Waste Disposal Plan

Waste from past nuclear projects at Los Alamos National Labs has for years contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. However, **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must be defined as having been generated by 1999, when WIPP opened. Additionally, the Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,
Cynthia McNamara

11/16/2024

From: Stacie Slay
Sent: Friday, November 15, 2024 2:01 PM
To: LTWDP
Subject: The submitted Legacy Waste Disposal Plan is not acceptable

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WARNING - EXTERNAL EMAIL

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for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But the submitted Legacy Waste Disposal Plan is not acceptable and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,

Mrs. Stacie Slay

11/15/2024

From: Dee Homans
Sent: Friday, November 15, 2024 8:26 AM
To: LTWDP
Subject: WIPP

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WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Dear New Mexico Environment Department,

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. This degradation of our water supply must stop. Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminating legacy waste needs to be safely disposed at WIPP.

The Department of Energy agreed to develop the Legacy Waste Disposal Plan as required by the current state permit for WIPP. But **the submitted Legacy Waste Disposal Plan is not acceptable** and does not comply with other provisions of the permit. The Plan must be changed so that legacy waste is prioritized, especially LANL legacy waste. Legacy waste must have been generated by 1999, when WIPP opened. The Plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Sincerely,
Edith Homans
Andrew davia

From:
Sent: Thursday, November 14, 2024 11:07 PM
To: LTWDP
Subject: Re: Nuclear Waste Dump Site in New Mexico

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WARNING - EXTERNAL EMAIL

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for information.

I am requesting that you STOP THE EXPANSION OF THE NUCLEAR WASTE DUMP SITE IN NEW MEXICO!!!

And that NMED not approve the Plan! & NMED REALLY NEEDS TO - **include the following requirements in the DOE's Legacy Waste Plan:**

- That Legacy Waste be defined as waste generated by 1999 when WIPP opened.
- To prioritize and designate how all LANL Legacy Waste be disposed
- To ensure that some TRU waste be disposed in another repository, in another state.

Because DOE's proposed changes are SO significant, a FULL "Rulemaking,"(NOT JUST an internal administrative review), is required to **ensure** EPA has all the information they need to make a reasoned and SAFE decision!

A full Rulemaking process requires EPA to conduct a rigorous technical review and fully consider public comments! SO PLEASE - - - CONSIDER THIS COMMENT.

Thank you,

Kathryn Sonenshine
Geologist, and resident of Santa Fe, NM

From: Dorothy Holland
Sent: Thursday, November 14, 2024 10:40 PM
To: LTWDP
Subject: Legacy Transuranic (TRU) waste disposal plan

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WARNING - EXTERNAL EMAIL

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Use caution if this message contains attachments, links or requests
for information.

Greetings NM Environment Department

Waste from past nuclear projects at Los Alamos National Labs has contaminated local aquifers and the Rio Grande. I live near the Rio Grande and feel personally assaulted by the submitted Legacy Waste Disposal Plan.

The plan is unacceptable to me. It does not comply with provisions of the permit:

The plan MUST be changed so that legacy waste is prioritized, especially LANL legacy waste.

Legacy waste should be defined as waste generated by 1999, when WIPP opened.

The plan must provide that some waste will be disposed in a repository in another state so that New Mexico does not take the entire burden of disposal of military nuclear waste.

Nuclear waste is buried and leaking at the labs or stored in tents vulnerable to forest fires. This dangerous, contaminated legacy waste need to be safely disposed at WIPP.

Sincerely
Dorothy Holland

November 14, 2024

From: Don Hancock
Sent: Thursday, November 07, 2024 8:54 AM
To: LTWDP
Subject: SRIC first comment - Please respond immediately!

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for information.

Southwest Research and Information Center (SRIC) was an active participant in the June 2023 WIPP Renewal Permit negotiations that created the provision 4.2.1.5 Legacy TRU Waste Disposal Plan. Since that time SRIC has made numerous comments and suggestions during the development of the Plan.

SRIC will make extensive comments on the Plan during the 60-day comment period.

This first comment is because the Plan, as we and others requested, includes web links to some of what are described as significant documents. But web links to all such documents are not provided. Public access to the following documents should be provided immediately:

1. On page 24, the Plan states that the SRS legacy waste definition “is described in an internal DOE-SR direction memo dated April 12, 2019.” SRIC requested that document months ago, but the document still has not been provided or cited.
2. On page 23, the Plan states: “An important consideration is the ORNL STP.” No web link is provided.

The documents or web links to them should be provided on the WIPP LTWDP website immediately.

Thank you.

Don Hancock

Southwest Research and Information Center