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JAN 14 2008

January 11, 2008

John E. Kieling, Program Manager
Hazardous Waste Bureau – New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

RE: Public Notice 07-11, Draft Hazardous Waste Permit for Los Alamos National
Laboratory (LANL)

Dear Mr. Kieling:

The following are initial comments of the Southwest Research and Information Center (SRIC) and the Natural Resources Defense Council (NRDC). SRIC is a nonprofit public interest and technical assistance organization based in Albuquerque, New Mexico, which has been interested in issues of nuclear waste and weapons for more than 30 years. NRDC is a national nonprofit organization with 650,000 members, including thousands in New Mexico, with a mission to safeguard the earth: its people, its plants and animals, and the natural system on which all life depends.

SRIC and NRDC are very interested in LANL because it is a key facility in the Department of Energy (DOE) nuclear weapons complex, and it generates and stores extremely large amounts of hazardous and radioactive wastes. Those wastes pose great threats to public health and the environment, and a stringent permit is essential to the safe operation of LANL and the protection of the public and the environment. Moreover, DOE plans for the future nuclear weapons complex provide for new and expanded LANL missions, including plutonium pit production. It is essential that the LANL permit have adequate safeguards for, and limitations on, the types and amounts of wastes that are generated and stored and that disposal units be prohibited.

Further, a new permit is necessary, since the original LANL permit, issued on November 8, 1989 and administratively extended, is more than 18 years old and has many deficiencies.

SRIC and NRDC are concerned about various aspects of the draft permit, which include, but are not limited to:

* The multiple RCRA-related actions for public comment that have been pursued while the draft permit also is out for public comment – Transuranic Waste Facility, MDA H Remedy Selection, and MDA B Investigation/Remediation Work Plan, and Consent Order modification. It is

31346



extremely confusing for the public to have multiple actions for comment running simultaneously, it dilutes the ability of the public to focus and comment on the draft permit (hundreds of pages and tens of thousands of pages in the administrative record), and it diminishes the ability to participate in the other actions. SRIC and NRDC urge LANL not to propose and NMED to not have public comment on other actions while the draft permit process continues with negotiations and public hearings. Any needed actions should be delayed until after the issuance of the permit or incorporated into the draft permit, so that it can be the comprehensive focus for the public, NMED, and LANL so that an adequate permit can be issued.

* The Draft Permit does not incorporate the LANL Consent Order, but leaves it outside of the permit, thereby allowing the two documents to operate independently and in an essentially arbitrary fashion. This is misguided. Instead, SRIC and NRDC request that the Consent Order be included in the permit. Such inclusion will promote public involvement in characterization activities that must be done to increase transparency and improve the remedies that are needed, once adequate characterization is completed. It seems obvious that NMED should use the characterization data produced under the Consent Order to ensure that there are protective and lawful RCRA requirements in place under the final permit.

* Area G closure is extremely important to protect public health and the environment because there are large amounts of hazardous, mixed hazardous and radioactive, and radioactive wastes there. SRIC and NRDC agree that Area G disposal units should be closed. We are also concerned about the large amounts of hazardous wastes (more than 3.6 million gallons) that the draft permit would allow to be stored and managed in Area G. It is extremely important that LANL implement a very aggressive waste minimization program to reduce the amount of wastes that might be generated and stored in the future. The LANL permit should encourage and require such waste minimization by placing declining limits on the quantities of waste that may be managed and stored over the 10-year term of the permit.

* SRIC and NRDC are concerned that the draft permit allows large amounts of off-site waste to come to LANL from numerous facilities. A number of the Off-Site Waste Management Facilities listed in Table Q-1 have no obvious reason to send any wastes to LANL. SRIC and NRDC request that there be a general prohibition of hazardous waste from Off-Site sources, similar to that provided for foreign sources, in Part 2.2.2. LANL must provide a rationale either in the permitting process or in subsequent permit modifications for each off-site source, including the specific wastes, their quantities, and why the wastes (such as sealed sources) should be stored at LANL from any off-site source that is to be allowed in the permit.

* SRIC and NRDC support inclusion in the LANL permit of a Public E-Mail Notification List, as has been included in the WIPP Permit, Module I.H. That provision was agreed to by DOE, numerous organizations, and NMED, and should be included in the LANL (and Sandia) permits. LANL should provide a link on its Home Page whereby members of the public may review the actions requiring e-mail notification. Specific provisions of the LANL permit should include the notice requirement to inform those on the e-mail notification list.

The issues listed above are not exhaustive of SRIC and NRDC's concerns, and we are aware that several other organizations, including Nuclear Watch, Concerned Citizens for Nuclear Safety,

and Embudo Valley Environmental Monitoring Group, and others are submitting comments that identify numerous other issues which we also believe should be fully addressed in the permit.

Request for Public Hearing and Negotiations

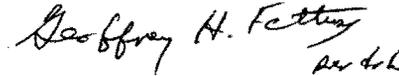
SRIC and NRDC request a public hearing on the draft permit. Further, and prior to any notice of public hearing, pursuant to 20.4.1.901. A.4 NMAC, SRIC and NRDC request that NMED, the Permittees, and other parties conduct negotiations to attempt to resolve issues related to the draft permit. SRIC and NRDC believe that other parties and NMED would agree with some of the concerns and objections raised in our comments and that a revised draft permit could be developed prior to the public hearing, so that continuing and additional public comment is taken throughout the permitting process.

Thank you very much for your full consideration of these, and all other, comments.

Sincerely,



Don Hancock
Nuclear Waste Program Director



Geoffrey H. Fettus
Senior Project Attorney