

55



From: Patti Blair [mailto:pblair108@hotmail.com]
Sent: Friday, March 17, 2017 4:38 PM
To: Kieling, John, NMENV <john.kieling@state.nm.us>
Subject: Hazardous Waste Management

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

Re: Reclassify DOE Permit Modification Request for the Addition of Three Hazardous Waste Management Units at LANL's Plutonium Facility to a

Class 3 Requiring Public Comment, Public Hearing, and Judicial Review

Dear Mr. Kieling:

Please reclassify the recent Department of Energy (DOE) permit modification request to add three hazardous waste management units at the Plutonium Facility at Los Alamos National Laboratory from a Class 2 to a Class 3.

Clearly, DOE is proposing a significant 53 percent increase in the storage capacity at the Plutonium Facility. The request asks for a 94,545-gallon increase. The existing permitted waste storage volume is 177,887 gallons. See Attachment J-1, *Active Portion of the Facility*, to the LANL hazardous waste facility permit. DOE is proposing a 53 percent increase in storage, requiring that the request be designated as a Class 3 permit modification request. Please notify DOE that it must resubmit its request as a Class 3 permit modification request.

Thank you for your careful consideration of my request.

Sincerely,

Patti Blair

Santa Fe, NM

Patti Blair

One Heart Artworks

37989



Communities want this waste addressed before any additional waste is produced.

1) LANK has a very poor track record in health & safety regarding its' dealing with waste and because waste is continuing to contribute air and water quality resources - it is critical that the N.M. Environment Dept. require this waste area to be completely cleaned up before allowing LANK to produce new waste.

2) Because of on-going problems at WIPP, - it is not clear how long this new additional waste will remain at LANK - and this must be clarified before proceeding with any new storage.

3) The N.M. Environment Dept. has a legal responsibility to the citizens of New Mexico to protect our National Resources & comply with the law. LANK has been found in numerous cases to be in non-compliance - and we request the NM E.D. enforce the law and address past contribution by LANK before accepting the new LANK proposal.

Thank you,

Sincerely, J. Berde
of Carson Forest Watch Citizens Group -
Tarr County, N.M.

From: Joni Arends [mailto:jarends@nuclearactive.org]
Sent: Wednesday, April 5, 2017 4:53 PM
To: Kieling, John, NMENV <john.kieling@state.nm.us>; Dhawan, Neelam, NMENV <neelam.dhawan@state.nm.us>
Subject: CCNS Comments about TA-55 Increased HW Storage at TA-55

April 5, 2017

john.kieling@state.nm.us

neelam.dhawan@state.nm.us

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

Re: Public Comments about Department of Energy (DOE) Permit Modification Request for the Addition of Three Hazardous Waste Management Units at Los Alamos National Laboratory (LANL) TA-55 Plutonium Facility

- Attachment B: TA-55 Seismic Report, Unavailable to Public
- Public, Therefore, Unable Provide Informed Comments
- Request for Thirty (30)-Day Extension of Time
- Deny Class 2 Permit Modification Request
- Reclassify as Class 3 Permit Modification Request Requiring Public Comment, Public Hearing, and Judicial Review
- Request for Public Hearing

Dear Mr. Kieling and Ms. Dhawan:

Concerned Citizens for Nuclear Safety (CCNS), a Santa Fe-based non-governmental organization, provides the following public comments and requests about the above-referenced request to modify the New Mexico Environment Department (NMED) Hazardous Waste Permit (HWP) for Los Alamos National Laboratory (LANL) by the Department of Energy (DOE) and Los Alamos National Security, LLC (LANS), the Permittees.

- 1. Attachment B: TA-55 Seismic Report, Unavailable to Public.** The submittal is incomplete. The publicly available version to download from the Permittees' Electronic Public Reading Room (EPRR) was only 288 pages and

did not include Attachment B: Seismic Report for the TA-55 Facility. Attachment B is an essential report that must be reviewed in order for the public to provide informed public comments to NMED.

- 2. The Public, Therefore, Unable to Provide Informed Comments.** The public, therefore, is unable to provide informed public comments about the permit modification request (PMR). Over the decades, CCNS has provided extensive comments about the increasing seismic risk on the Pajarito Plateau, including plutonium operations at TA-55. The Rendija and Guaje Mountain Faults lie east and west of TA-55, which necessitate the need for the report to be made available to the public before the end of the comment period.

Further, we understand that the Permittees are proposing to store the containers containing respirable particles of plutonium in the proposed storage areas – very bad ideas in a seismic zone with increasing risk from an earthquake and for the Facility that blew up the Waste Isolation Pilot Plant (WIPP) in February 2014. The Defense Nuclear Facilities Safety Board (DNFSB) has raised these issues on a number of occasions.

CCNS remains concerned that the Permittees do not have quality assurance/quality control (QA/QC) procedures in place to ensure the EPRR postings are complete. This is not the first time that CCNS has had to raise this issue with the Permittees and NMED.

- 3. Request for Thirty-Day Extension of Time.** CCNS respectfully requests that NMED extend the comment period an additional thirty (30) days following the Permittees making Attachment B available on the EPRR. Only after reviewing the TA-55 Seismic Report will the public be able to provide fully informed public comments.
- 4. Deny Class 2 PMR.** NMED must deny the PMR because the Permittees' have not properly classified it as required by the Resource Conservation and Recovery Act (RCRA). It is not a Class 2 PMR, which provides the public comment. It should be a Class 3 PMR, which requires public comment, opportunity for public hearing and judicial review.

Clearly, DOE/LANS is requesting a significant fifty-three percent (53%) increase in the storage capacity at the TA-55 Plutonium Facility by asking for a 94,545 gallon increase. NMED permitted 177,887 gallons of waste storage at the facility TA-55 – no more, no less. *See* NMED HWP for LANL, Attachment J-1, *Active Portion of the Facility*. This is the "facility" from which to measure the increase, not as the Permittees have suggested. DOE/LANS is disingenuous by comparing the increase by using the "Facility" as defined as:

"Facility" means the Los Alamos National Laboratory site comprised of approximately 40 square miles, located on the Pajarito Plateau in Los Alamos County in north central New Mexico, approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe, and owned by the United States Department of Energy. Section 1.8 of the NMED HWP for LANL.

RCRA requires that the PMR be designated as a Class 3 permit modification request. 40 CFR §270.42, Appendix 1, F.1.a states a modification is a Class 3 that results "in greater than 25% increase in the facility's container storage capacity."

5. **Require Permittees to Reclassify PMR as Class 3 Permit Modification Request Requiring Public Comment, Opportunity for Public Hearing, and Judicial Review.** NMED must, therefore, deny the PMR and notify DOE/LANS that it must resubmit its request as a Class 3 permit modification request.
6. **Request for Public Hearing.** CCNS respectfully requests a public hearing about the proposed, or a future Class 3, permit modification request to increase the storage capacity at TA-55. Since the early 1990s, CCNS has actively participated in the NMED PMR processes involving LANL, including the negotiations and hearing for the current NMED Hazardous Waste Permit for LANL.

Thank you for your careful consideration of our comments and requests. CCNS reserves the right to submit more detailed comments to supplement these following the release of Attachment B: TA-55 Seismic Report by the Permittees.

Sincerely,

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety
P. O. Box 31147
Santa Fe, NM 87594-1147
505 986-1973
www.nuclearactive.org



April 5, 2017

Neelam Dhawan
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Sent via email to: dhawan@state.nm.us and john.kieling@state.nm.us

Re: Request for Class 2 Permit Modification for the Addition of Three Hazardous Waste Management Units at Technical Area 55, Los Alamos National Laboratory Hazardous Waste Facility Permit

Dear Ms. Dhawan:

We respectfully submit these comments on the Permit Modification Request for the Addition of Three Hazardous Waste Management Units at Technical Area 55, Los Alamos National Laboratory, Los Alamos, NM.

Nuclear Watch New Mexico seeks to promote safety and environmental protection at nuclear facilities; mission diversification away from nuclear weapons programs; greater accountability and cleanup in the nation-wide nuclear weapons complex; and consistent U.S. leadership toward a world free of nuclear weapons.

Request For A 30-day Extension

We respectfully request the New Mexico Environment Department provide an additional thirty (30) day period of time for the public to provide informed comments. We request that the thirty (30)-day additional comment period begin from the time the TA-55 Seismic Report is made available to the public on the Permittees' Electronic Public Reading Room. The reason for our request is that the Department of Energy, Los Alamos National Laboratory and Los Alamos National Security, LLC (the Permittees) omitted an essential report from the request that was publicly available to download from their Electronic Public Reading Room.

Attachment B, the Seismic Report for the TA-55 Facility, was not included in the 288-page download, nor was it on the LANL Permit page.

<https://www.env.nm.gov/HWB/Permit.htm>

What is the seismic rating of the TA-55-0355 Pad?

Nuclear Watch New Mexico * 903 W. Alameda #325 * Santa Fe, NM 87501

Reclassify this PMR as a Class 3

Please reclassify the recent Department of Energy (DOE) permit modification request (PMR) to add three hazardous waste management units at the Plutonium Facility at Los Alamos National Laboratory from a Class 2 to a Class 3.

Clearly, DOE is proposing a significant 53 percent increase in the storage capacity at the TA-55. The request asks for a 94,545-gallon increase. The existing permitted waste storage volume is 177,887 gallons. *See Attachment J-1, Active Portion of the Facility*, to the LANL hazardous waste facility permit. DOE is proposing a 53 percent increase in storage, requiring that the request be designated as a Class 3 permit modification request. Please notify DOE that it must resubmit its request as a Class 3 permit modification request.

We are familiar with the argument that Resource Conservation and Recovery Act (RCRA) regulations can be interpreted to mean that the storage capacity of all of the hazardous waste storage units at Los Alamos Laboratory should be considered when calculating the storage capacity percentage increase at any one Tech Area. But this interpretation has a fatal flaw. Consider that the whole of Los Alamos Lab has a storage capacity of 5.1 million gallons. RCRA regulations allow up to a 25% increase under a Class 2 PMR, which would appear to allow up to 1,275,000 gallons of additional storage capacity. So, the Lab could request a 1.2 million gallon increase at PF-4, which would be a SEVEN TIMES jump in the capacity without a Class 3 PMR. Or 1.2 million gallons of storage could be added ANYWHERE on the whole of the Lab, even at Tech Areas with little or no storage capacity, at anytime without a Class 3 PMR!

By agreeing to the 94,545-gallon increase at TA-55 without a Class 3 PMR, NMED would essentially be agreeing to 1.2 million gals as far as any percentage increase goes. And by agreeing to the 94,545-gallon increase without a Class 3 PMR, NMED would effectively be agreeing to any and all storage increases in the future.

Without a doubt, the RCRA regulations must be interpreted that more than a 25% increase at any one Tech Area requires a Class 3 PMR, which requires a public comment period, as well as an opportunity to request a public hearing and judicial review of the final decision.

A public hearing is also necessary because of the age of the Plutonium Facility, which was built more than 50 years ago; and the on-going public health concerns about the inadequate ventilation system for containing respirable particles of plutonium in emergency situations, among other issues. What are the potential impacts of having 50% more plutonium waste at TA-55 on the public and the environment if there is a fire or an accident? How much plutonium, including all the operational plutonium, is at TA-55?

Please State In The Permit Why WIPP Was Closed and Is Not Fully Operational
Los Alamos National Laboratory (LANL) is proposing to increase the storage of hazardous and radioactive waste to support continued mission operations. The PMR proposes to add three hazardous waste storage units – one outside and two inside of Plutonium Facility-4. The reason given was because TRU waste shipments from LANL are not expected to resume until September 2017. And it was stated that the number of shipments available to LANL would not meet projected generation rates until the new ventilation is completed at Waste Isolation Pilot Plant (WIPP), which is currently forecasted for 2020. Projected waste shipment estimates are much less than historic practices at WIPP because that facility is struggling to reopen fully. With the TA-55 current inventory and projected waste generation rate of one shipment per week, it will take years to dispose LANL's TRU and mixed transuranic (MTRU) waste inventory.

Improper waste handling at Los Alamos closed WIPP for three years and WIPP will struggle to reopen fully for many years. LANL's violations of its Hazardous Waste Permit are the reason LANL needs more storage space. Please state that LANL caused this problem in the Permit.

A PMR Is Needed For The Combustible Pipe Overpack Containers

A large number of the TRU waste inventory at TA-55 includes 300 Pipe Overpack Containers (POCs) containing combustibles that exceed new limits. According to the new criteria, updated in July 2016, POCs containing combustible material above the new limits are not accepted at WIPP. Apparently, new testing on the POC "Integrity" led to this ban. There were 300 of these non-compliant, combustible POCs sitting around waiting to be re-packaged. This was half of this type of container that is in inventory at TA-55. And LANL did not want to move the non-compliant POCs down to their new TRU waste storage, TA-63, because that would be "ineffective." But, in addition to not being allowed at WIPP, the 300 POCs are not currently allowed at the Lab's new TRU Waste Facility, TA-63. Whether or not these 300 POCs will ever be allowed at TA-63 depends on the outcome of "ongoing fire testing." (DNFSB Los Alamos Report for Week Ending December 9, 2016, below)

So LANL plans to store, at its nuclear bomb component production facility, containers with combustibles that are too dangerous to ship to WIPP, a 2100-foot deep geological repository.

LANL continues to have waste-handling problems. Re-packaging the 300 non-compliant, combustible POCs should be the priority, not looking for somewhere to store them until who-knows-when. NMED should not allow any delay in re-packaging these POCs and should not approve any additional storage for these POCs. LANL must deal with the POCs immediately and NMED should not enable LANL to continue to make mistakes without any real consequences.

Please State How Possible Unexpected Releases Will Be Detected

The PMR states -

3.4.4 Preventing Releases To The Atmosphere

Releases to the atmosphere are not anticipated from the waste stored on the TA-55-0355 Pad or rooms B13 and G12. All waste containers meet DOT Class A shipping container standards and will be fully inspected before placement at the units. All containers will be kept closed during handling and storage. No waste repackaging is allowed at any of the permitted units. During storage, waste containers will be inspected in accordance with Attachment E Inspection Plan requirements. In the event of an unexpected release, all personnel working within or near the area would be notified immediately to evacuate.

Are there continuous air monitors (cams) on the TA-55-0355 Pad?

Please Clearly State That Wastes Will Not Be Stored For Longer Than One Year

RCRA regulations state that waste shall not be stored at a permitted unit for more than one year (*see* 40 CFR § 270.32(b)(2)). Is this the case for all wastes proposed for the new units?

Request for a Hearing

Nuclear Watch New Mexico formally requests the opportunity for a hearing on this Permit Modification Request. Thank you for your careful consideration of my request.

Sincerely,

Scott Kovac
Operations and Research Director
Nuclear Watch New Mexico
903 W. Alameda #325
Santa Fe, NM, 87501
505.989.7342 office & fax
www.nukewatch.org

NOTES

Defense Nuclear Facilities Safety Board (DNFSB) Reports

<https://www.dnfsb.gov/documents/reports>

Los Alamos Report for Week Ending November 11, 2016

Transuranic Waste Management: On Wednesday, personnel from the Sandia National Laboratories, NNSA Field Office, EM Headquarters, and LANL met to discuss the status and path forward for testing on pipe overpack containers (POC). LANL and NNSA senior management have become increasingly concerned regarding the safety basis uncertainty with POCs. Currently, the existing inventory of filled POCs at LANL is on the order of 600. Additionally, LANL management has accepted the risk of continuing to use POCs for packaging of combustible transuranic waste because of the reduction in waste container volume afforded by their use. The risk stems from the fact that the safety basis for the Waste Isolation Pilot Plant (WIPP) currently prohibits POCs with combustibles. As a result, either these POCs will need to be repackaged or EM and NNSA will need to complete adequate testing of POCs in fuel pool fire conditions—a credible accident at WIPP. This uncertainty has also prompted the NNSA Field Office into considering a prohibition of POCs in the new Transuranic Waste Storage facility, which had originally envisioned reliance on POCs to increase the material-at-risk. Overall, LANL personnel intend to review what capabilities they could apply to the testing program and the group agreed to reconvene in early December.

Los Alamos Report for Week Ending December 9, 2016

Transuranic Waste Facility (TWF) Project: On Tuesday, the NNSA Field Office Manager approved the final safety basis for the project. The approval included directed changes to: (1) temporarily reduce the material-at-risk limit by 15 % and (2) revise the basis for a technical safety requirement associated with drum banding. Additionally, the approval included conditions to: (1) submit a revised safety basis that classifies the fire suppression system as safety significant, including the minimum necessary and sufficient support systems (directed change #1 would then expire) and (2) prohibit the receipt of pipe overpack containers (POC) until the safety basis is re-evaluated to consider the results of the ongoing fire testing (see 11/11/16 weekly). Notably, several of the safety basis review team members did not recommend approval. Furthermore, the NNSA Cognizant Secretarial Officer, who concurred on the documents, also placed a condition of approval to require full implementation of the safety significant fire suppression no later than February 28, 2018.