

63

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**Kieling, John, NMENV**

**From:** David McCoy [dave@radfreenm.org]  
**Sent:** Monday, October 24, 2011 3:17 PM  
**To:** Kieling, John, NMENV; Amigos Bravos/Michael Jensen (mjensen@amigosbravos.org); Brian Shields/Amigos Bravos (bshields@amigosbravos.org); CARD; CCNS/Joni Arends; CCNS/Sadaf Cameron; Meiklejohn, Doug; Jay Coghlan; John Witham/NukeWatch (john@nukewatch.org); Nuclear Watch/Scott Kovac; Peggy Prince/PANM (peaceactionnm@aol.com); Penny McMullen; Sheri Kotowski (serit@cybermesa.com); sricdon@earthlink.net (sricdon@earthlink.net); Sylvia Ledesma (lzkalli@comcast.net)  
**Subject:** TRUWF Citizen Action Request for Denial of Modification; Request for Public Hearing

October 24, 2011

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

Sent via email to: [john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)

**Re: Citizen Action Request for NMED to Deny Permit Modification Request for Proposed Transuranic Waste Facility at Los Alamos National Laboratory and Request for Public Hearing**

Dear Mr. Kieling:

Citizen Action New Mexico opposes the proposed Transuranic Waste Facility (TWF) permit modification request (PMR) for Los Alamos National Laboratory (LANL) and requests that the New Mexico Environment Department (NMED) deny the permit modification request. There has been and is extensive public interest and stake in radioactive and hazardous waste issues for LANL. Therefore, the permit modification request should be treated as a Class 3 permit modification request that allows for additional public comment and opportunity to request a public hearing. A similar request for a TRUWF by LANL in 2007, was submitted as a Class 3 permit modification request. That request was withdrawn. Submission of the proposed modification as a Class 2 modification is without legal or technical justification given the nature of the contaminants, the increased volume proposed for storage and the future unavailability of a geologic repository for the wastes.

Reasons for denial of the modification request:

1. The New Mexico Hazardous Waste Act (HWA) requires that all permits, including the LANL permit, must "protect public health and the environment." Section 74-4-4.2.C NMSA. The modification request does not protect human health and the environment and must be denied.

The proposed TRUWF would operate until 2046, well beyond the 2030 availability of the Waste Isolation Pilot Plant (WIPP) to handle the large amounts of TRU waste. This would result in the TRUWF becoming a waste facility with no other pathway for disposal. As matters stand at present no other site is available to receive LANL TRUWF wastes nor is any geologic repository sited or approved by DEO for such disposal subsequent to the WIPP closure.

The DOE refusal to address the future disposal of the TRUWF wastes generated after the future WIPP closure is similar to the unreasonableness of the DOE to discuss the availability of a federal repository for high level commercial reactor waste decades ago. No such repository is yet on the horizon with the closure of the Yucca



Mountain project. Once again, DOE is asking the public to assume the risk for the generation of lethal long-lived radioactive waste with no repository in sight.

2. LANL has accumulated a 21,000,000 cu ft legacy of Cold War waste that has yet to be cleaned up. That buried waste is poorly monitored, is contaminating soils and migrating to surface and ground water ultimately flowing into drinking water wells and the Rio Grande River.

3. LANL has a demonstrated record of inability to comply with waste shipment requirements to WIPP even while WIPP remains open to receive the wastes.

4. Existing storage of LANL wastes is far from adequate relying upon above ground storage in open tents in poor condition, open to the environment, without adequate air monitoring and subject to natural threats, e.g. the Cerro Grande and Las Conchas fires, earthquake, and sabotage.

The metal storage sheds proposed for TRUWF waste storage are reason for denial.

5. The maximum earthquake design basis for the proposed TWF has not been presented and the geologic studies to provide the earthquake design basis are incomplete. The August 2011 SEIS for the CMRR facility indicates that as of 2007 the estimated ground motion from earthquakes at LANL are double those previously believed possible and include the potential for ground rupture across LANL. The PMR should include current map(s) of inferred buried faults at LANL. Kappa has not been determined. There is no assurance that for the TRUWF there is "No fault within 3,000 feet (ft) with displacement in Holocene time."

6. The availability of transportation and possible delays for shipment of TRUWF wastes and the tens of thousands of drums sitting on the Pajarito Plateau to WIPP has not been set forth in consideration of (1) the existing WIPP waste transportation infrastructure requirements and (2) considering the plans for constructing a new transportation corridor in conjunction with proposed construction of the CMRR-NF and related facilities. The number of vehicles and possible transport problems should be described.

7. There is no assurance that the TRUWF wastes will be able to meet the full requirements for WIPP waste acceptance criteria. The potential changes to the waste acceptance criteria and characterization made to the WIPP permit or other off-site TSDF that may impact program requirements have not been set forth.

8. The relation between the TRUWF and processing the volumes of wastes produced by the proposed CMRR-NF and other LANL facilities should be set forth. Nor has the 2011 SEIS for the CMRR-NF set forth such a relationship.

8. The release of radioactive and hazardous contaminants in the event of fire affecting the HEPA and ventilation systems are not adequately discussed.

9. No adequate closure plan is presented for the TRUWF

Sincerely,  
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