

**New Mexico Environment Department
Response to Public Comments
on the December 20, 2022
Renewal Draft Hazardous Waste
Permit for the
Waste Isolation Pilot Plant
October 4, 2023**

On March 31, 2020, the U.S. Department of Energy (DOE) and Nuclear Waste Partnership LLC (NWP), (at this time, together the “Permittees”), submitted a Renewal Application [WIPP Facility Administrative Record (AR) 200318] to NMED, along with an Updated redline strikeout (RLSO) for the Renewal Application [AR 220321] on March 17, 2022. On December 20, 2022, NMED issued a Public Notice [AR 221219] with an opportunity to submit public comment on a Draft Renewal Permit (Draft Permit) [AR 221218], a proposed modification of the existing Permit, beginning a 60-Day Draft Permit comment period. On January 24, 2023, NMED received a request for a 60-day extension of the Draft Permit comment period [AR 230112], and NMED approved the comment period extension request on February 13, 2023 [AR 230211], and the Draft Permit comment period was extended to April 19, 2023. Salado Isolation Mining Contractors LLC (SIMCO) replaced NWP on February 4, 2023 as the Management and Operating Contractor and Co-Permittee [AR 230204], along with DOE, for the WIPP facility (henceforth, in conjunction with DOE, the “Permittees”). June 20-23, 2023, NMED, in conjunction with the Permittees, held formal negotiations with parties who had submitted a hearing request and were in opposition to the Draft Permit. On June 23, 2023, the parties signed a Settlement Agreement and Stipulation on the Draft Permit (Settlement Agreement)[AR 230611]. As a courtesy, NMED extended the comment period until September 22, 2023, the date on which NMED held an informational public meeting [AR 230818]. This document is the NMED response to written public comments received on the Draft Permit, as required by 20.4.1.901.A(9) NMAC.

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Table 1 of this document lists entities and persons who commented on the draft Permit.

Table 2 summarizes the comments received and contains the NMED’s responses thereto.

Table 3 summarizes changes made to the Final Permit as a result of the Settlement Agreement and Stipulation on the Draft Permit.

Table 4 summarizes editorials made to the Final Permit.

Written comments submitted to NMED [AR 230425.01 – 230425.281] and other documents related to the final action can be found on the NMED WIPP webpage at the following link: <https://www.env.nm.gov/hazardous-waste/wipp/>.

Note: The Commenter ID in Table 1 corresponds to the Administrative Record (AR) number that identifies the comment in the Hazardous Waste Bureau’s WIPP [Facility Record Index](#). An individual comment, and any WIPP Facility record, may be found by searching for its AR # in [Facility Records](#), both links accessed on the above referenced webpage.

Table 1: List of Public Commenters

Commenter ID/AR #	Commenter	Organization, if applicable	Date of Letter
230425.01	Walter Chance		12/21/2022
230425.02	Lee Henderson		12/21/2022
230425.03	Joseph Loewy		12/22/2022, 4/19/2023
230425.04	Al Baione		12/22/2022
230425.05	Todd Clark		12/27/2022
230425.06	Bessy Berman		12/27/2022
230425.07	Dale Janway, Mayor	City of Carlsbad	1/15/2023
230425.08	13 Individuals:	Representing 11 Organizations:	1/24/2023
	Douglas Meiklejohn	Conservation Voters of New Mexico (CVNM)	
	Joni Arends	Concerned Citizens for Nuclear Safety (CCNS)	
	Deborah Reade	Concerned Citizens for Nuclear Safety (CCNS)/Citizens for Alternatives to Radioactive Dumping (CARD)	
	Scott Kovac	Nuclear Watch New Mexico (NWNM)	
	Don Hancock	Southwest Research and Information Center (SRIC)	
	Janet Greenwald	Citizens for Alternatives to Radioactive Dumping (CARD)	
	John Wilks	Veterans for Peace, Chapter 63	
	Cynthia Weehler	The 285 ALLIANCE	
	Marian Naranjo, Founder	Honor our Pueblo Existence	
	Gregory Corning, President	Veterans for Peace, Chapter 55 (Joan Duffy Chapter)	
	Beata Tsosie, Organizational Director	Breath of My Heart Birthplace	
	Marlene Perrotte	Partnership for Earth Spirituality	
	Joan Brown	Partnership for Earth Spirituality	
230425.09	R P		1/27/2023
230425.10	Kyle Marksteiner		1/27/2023
230425.11	Susan Peirce		1/28/2023, 3/28/2023
230425.12	Cheryle Finlayson		1/28/2023
230425.13	John Heaton		1/29/2023
230425.14	John E. Wilks, III, Vice President	Veterans for Peace, Chapter #63	1/27/2023

Commenter ID/AR #	Commenter	Organization, if applicable	Date of Letter
230425.15	Christy Beasley		2/4/2023
230425.16	Jack Volpato, Chairman	Carlsbad Mayor's Nuclear Task Force	2/2/2023
230425.17	Christine Andres	Nevada Division of Environmental Protection	2/10/2023
230425.18	John Waters	Carlsbad Department of Development	2/10/2023
230425.19	Willard Hunter	Veterans for Peace/Progressive Democrats of America	2/15/2023
230425.20	Edward Holbrook, Waste Mgmt. Section Manager	State of Washington Dept of Ecology, Nuclear Waste Program	2/17/2023
230425.21	Richard Arnold/Laurie Hernandez, Co-Chairs	Tribal Radioactive Materials Transportation Committee	2/18/2023
230425.22	Erica Valentine		2/19/2023
230425.23	David Hollenbach		2/19/2023
230425.24	Michael Mittleman		2/19/2023
230425.25	James Oyster		2/19/2023
230425.26	Marlene Perrotte	Partnership for Earth Spirituality	2/20/2023
230425.27	Heather Loudon-Howley		2/20/2023
230425.28	Jean Delataillade		2/20/2023
230425.29	Kate Hauer		2/20/2023
230425.30	Ed Epping		2/23/2023
230425.31	Russell Daniel		2/25/2023
230425.32	Cristine Marchand		2/26/2023
230425.33	Andrea Kramer		2/26/2023
230425.34	Diane Brown		2/28/2023
230425.35	Maria Thomas, MD		3/3/2023
230425.36	Cynthia Weehler		3/20/2023, 9/11/2023, 9/22/2023
230425.37	Missi Currier		3/22/2023
230425.38	Kevin Beardmore	Southeast New Mexico College	3/23/2023
230425.39	Tom Clements	Savannah River Site Watch (SRS Watch)	3/24/2023, 4/19/2023
230425.40	Dr. Joy Foster	Carlsbad, NM Dr. Martin Luther King Jr. Scholarship	3/28/2023
230425.41	Linda Gardner		3/28/2023
230425.42	Dara Mark		3/28/2023
230425.43	Huntley Hennessy		3/28/2023

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230425.44	Adele Strasser		3/28/2023
230425.45	Risa Benson		3/28/2023
230425.46	I. Engle		3/28/2023
230425.47	Kristin Ulibarri		3/28/2023
230425.48	Jean Stevens		3/28/2023, 9/17/2023
230425.49	Michael LaBrecque		3/28/2023
230425.50	Dennis Tapley		3/28/2023
230425.51	Arthur Alfreds		3/28/2023
230425.52	Linda Johnson		3/28/2023
230425.53	Susan Crockett		3/28/2023
230425.54	Chad Ingram		3/28/2023
230425.55	William Geoghegan		3/28/2023
230425.56	Harimander Khalsa		3/28/2023
230425.57	William Irving		3/28/2023
230425.58	John Lowe		3/28/2023
230425.59	Edward Rodriguez		3/28/2023
230425.60	Nancy Stone		3/28/2023
230425.61	Jay Jenkins		3/28/2023
230425.62	Luis Quinones		3/28/2023
230425.63	B. Wimberly		3/28/2023
230425.64	Judith Phillips		3/28/2023
230425.65	Katie Gillis		3/28/2023
230425.66	Bo Bergstrom		3/28/2023
230425.67	Linda Howard		3/28/2023
230425.68	Jon Klingel		3/28/2023, 4/13/2023
230425.69	Carol Pittman		3/28/2023, 4/13/2023
230425.70	Bonnye Fry		3/28/2023
230425.71	Robert Garrett M.D.		3/28/2023
230425.72	Sylvia Seret		3/28/2023
230425.73	George Parrish		3/28/2023
230425.74	Jeff LaFlamme		3/28/2023

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230425.75	Sarah Brownrigg		3/28/2023
230425.76	Allen Bohnert		3/28/2023
230425.77	Joel Lorimer		3/29/2023
230425.78	David Morrison		3/29/2023
230425.79	Karen Bonime		3/28/2023, 9/19/2023
230425.80	Debra Cameron		3/29/2023
230425.81	Richard Lopez		3/29/2023
230425.82	Frances Hardy		3/29/2023
230425.83	Jeannie Watson		3/29/2023
230425.84	Pamela Irving		3/29/2023
230425.85	Karen Boehler		3/30/2023
230425.86	Bob Forrest		3/30/2023
230425.87	Gregory Corning		3/30/2023, 9/16/2023, 9/20/2023
230425.88	Donna Balsamo Thiersch		3/31/2023, 4/16/2023
230425.89	S. Kay		3/31/2023
230425.90	Senator Gay Kernan	New Mexico State Senate, District 42	3/31/2023
230425.91	Sarah Stewart		3/31/2023, 4/14/2023
230425.92	Roberta Colton		4/3/2023
230425.93	Pamela Rogers		4/3/2023
230425.94	Jana Theis		4/4/2023
230425.95	Linda Trageser		4/5/2023
230425.96	Mira Geroy		4/5/2023
230425.97	Kathy Nickodemus		4/6/2023
230425.98	Carol Bahmueller		4/6/2023
230425.99	Ken Ahrens		4/11/2023
230425.100	Wade Creswell, Executive	Office of the County Executive, Roane County, TN	4/12/2023
230425.101	John Pfeffer	Town of Ashford	4/13/2023
230425.102	Terry Christensen, Mayor	City of Richland, WA	4/13/2023
230425.103	NS Khalsa		4/13/2023
230425.104	Marilynn Weaver		4/13/2023

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230425.105	Patty Navarrete		4/13/2023
230425.106	Robin Laughlin		4/13/2023
230425.107	Stephanie Darrow		4/13/2023
230425.108	Sue Noel		4/13/2023
230425.109	Dr. Bob MacPherson		4/13/2023
230425.110	Anne Petrokubi		4/13/2023
230425.111	Richard Ferrary		4/13/2023
230425.112	Wendy Volkmann		4/13/2023
230425.113	Ellen Barber		4/13/2023
230425.114	Valorie Furlano		4/13/2023
230425.115	Roger Peirce		4/13/2023
230425.116	Robert L. Anderson		4/13/2023
230425.117	Joanie V. Connors		4/13/2023
230425.118	Sally Blakemore		4/13/2023
230425.119	Stephanie Gudeman		4/13/2023
230425.120	Carlene Roters		4/13/2023
230425.121	Stacie Slay		4/13/2023
230425.122	Heidi Brooks		4/13/2023
230425.123	Daniel Drobnis		4/13/2023
230425.124	Rita Glasscock		4/13/2023
230425.125	Carol Johnson		4/13/2023
230425.126	Anna Katherine		4/13/2023
230425.127	C. H.		4/14/2023
230425.128	Margo Wyse		4/14/2023
230425.129	Robin Reindle		4/14/2023
230425.130	Mary White		4/14/2023
230425.131	Jean Nichols		4/14/2023
230425.132	Trudy O'Toole		4/14/2023
230425.133	John Acker		4/14/2023
230425.134	John Thayer		4/14/2023
230425.135	Blaine Wimberly		4/14/2023

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230425.136	Kathryn Albrecht		4/15/2023
230425.137	John F. Lee & Suzanne L. Forker		4/16/2023, 9/22/2023
230425.138	Lauro Silva		4/16/2023
230425.139	Jill Boornazian		4/16/2023
230425.140	Gail Robin Seydel		4/16/2023, 4/19/2023, 9/22/2023
230425.141	Hildegard Adams		4/16/2223
230425.142	Ricky C. Fuentes, Mayor	Village of Loving	4/17/2023, 9/19/2023
230425.143	Eileen O'Shaughnessy	Demand Nuclear Abolition	4/17/2023
230425.144	Elizabeth Smith		4/17/2023
230425.145	Cynthia McNamara		4/17/2023
230425.146	Raychel Kool		4/17/2023
230425.147	Betty Kuhn		4/17/2023
230425.148	William Beems		4/17/2023
230425.149	Rose Jordan		4/17/2023
230425.150	Sylviana Diaz		4/17/2023
230425.151	Arla Ertz		4/17/2023
230425.152	Donald Meaders		4/17/2023
230425.153	Mike Currier		4/17/2023
230425.154	Beth Cohen		4/17/2023
230425.155	Elizabeth Romero		4/17/2023
230425.156	Mary McGuire		4/17/2023
230425.157	Ann White		4/17/2023
230425.158	Susan Bergholz		4/17/2023
230425.159	Stephen Schmidt		4/17/2023
230425.160	Denise Derkacs, Council Chair	Los Alamos County	4/18/2023
230425.161	Ernie Carlson, Chairman	Eddy County	4/18/2023
230425.162	Willa Brenden, Paula Seaton, Janet Greenwald	Los Alamos Downwind Neighbors	4/18/2023

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230425.163	Mark Bollinger, Mgr./Ken Harrawood, Program Mgr.	Dept. of Energy - Carlsbad Field Office (CBFO)/Salado Isolation Mining Contractor's (SIMCO)(Permittees)	4/18/2023
230425.164	Mayor Brent Gerry, Chair	Energy Communities Alliance (ECA)	4/18/2023
230425.165	Sam D. Cobb, Mayor	City of Hobbs	4/18/2023
230425.166	Douglas Meiklejohn	Conservation Voters New Mexico	4/18/2023
230425.167	Representative Cathrynn N. Brown	NM House of Representatives	4/18/2023
230425.168	Sasha Pyle		4/18/2023
230425.169	Cate Moses, PHD		4/18/2023
230425.170	Nodiah Brent		4/18/2023
230425.171	Paula McClean		4/18/2023
230425.172	Dana Middleton		4/18/2023
230425.173	Caroline Evans		4/18/2023
230425.174	Mary Burton Riseley		4/18/2023
230425.175	John Voorhees		4/18/2023
230425.176	Bill Tiwald		4/18/2023
230425.177	Ben Levine		4/18/2023
230425.178	Phyllis Gerk		4/18/2023
230425.179	Margaret Hadderman		4/18/2023, 4/19/2023
230425.180	Geoff Campbell		4/18/2023
230425.181	Robert Josephs		4/18/2023
230425.182	John Goshen		4/18/2023
230425.183	Bert Snyder		4/18/2023
230425.184	Drew D.		4/18/2023
230425.185	Doralee Larson		4/18/2023
230425.186	Sandi Maestas		4/18/2023
230425.187	Ashley Schannauer		4/19/2023
230425.188	Lionel Ybanez		4/19/2023
230425.189	Jef Lucchini		4/19/2023
230425.190	Barbara Chatterjee		4/19/2023
230425.191	Richard Martin		4/19/2023

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230425.192	Steve Kopp		4/19/2023
230425.193	Ashley Marie		4/19/2023
230425.194	David Pyeatt		4/19/2023
230425.195	Russell Doss		4/19/2023
230425.196	Barbara Tiwald		4/19/2023
230425.197	Robin Maxfield		4/19/2023
230425.198	Don't Hyde		4/19/2023
230425.199	Michael Lawler		4/19/2023
230425.200	Leslie Bryant		4/19/2023
230425.201	William Hicks		4/19/2023
230425.202	Dan Warren		4/19/2023
230425.203	Susann McCarthy		4/19/2023
230425.204	John Paul Henderson		4/19/2023
230425.205	Rebecca Summer		4/19/2023
230425.206	Erich Kuerschner, Public Choice Economist		4/19/2023
230425.207	Penelope Mainz		4/19/2023
230425.208	Cirrelda Snider-Bryan		4/19/2023
230425.209	Jody Knox		4/19/2023
230425.210	Jose Hernandez		4/19/2023
230425.211	Judi Waters		4/19/2023
230425.212	Steve Zappe		4/19/2023, 9/22/2023
230425.213	Patty Collins		4/19/2023
230425.214	J.P. Waters		4/19/2023
230425.215	Patricia Cardona	Southwest Alliance For A Safe Future (SAFE)	4/19/2023
230425.216	Therese Patton		4/19/2023
230425.217	Darrel Owen		4/19/2023
230425.218	Mary Stauffer		4/19/2023
230425.219	Sophia Meryn		4/19/2023
230425.220	Dee Homans & Andrew Davis		4/19/2023

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230425.221	Charlotte Connelly		4/19/2023
230425.222	Pedro A. & Susan E. Trujillo		4/19/2023
230425.223	Elizabeth West		4/19/2023
230425.224	Julie Sprott		4/19/2023
230425.225	Francesca Blueher		4/19/2023
230425.226	Susana Villalobos Ehécatecolōtl		4/19/2023
230425.227	Abigail Blueher		4/19/2023
230425.228	Gordon Moe		4/19/2023
230425.229	Jeremy Nelson, J.D. Candidate, 2024/Chair	Brooklyn Law School/National Lawyers Guild Pro-Bono Committee	4/19/2023
230425.230	Aftab Siddiqui		4/19/2023
230425.231	Judy Traeger		4/19/2023
230425.232	Richard Goldsmith		4/19/2023
230425.233	Tim Nelson		4/19/2023
230425.234	William Baker		4/19/2023
230425.235	Jamie Chase		4/19/2023
230425.236	Linda Durham		4/19/2023
230425.237	Jo Kurth Jagoda		4/19/2023
230425.238	Sean Healen		4/19/2023
230425.239	Janey Potts		4/19/2023
230425.240	Kevin Daniels		4/19/2023
230425.241	Daniel Gibson		4/19/2023
230425.242	Richard Rushforth		4/19/2023, 4/27/2023, 5/14/2023
230425.243	Teresa Seamster	NM Environmental Public Health Network	4/19/2023, 8/21/2023
230425.244	Jennifer Grassham	Economic Development Corporation of Lea County	4/19/2023
230425.245	Don Hancock	Southwest Research and Information Center (SRIC)	4/19/2023
230425.246	Scott Kovac	Nuclear Watch New Mexico (NWNM)	4/19/2023
230425.247	Joni Arends	Concerned Citizens for Nuclear Safety (CCNS)	4/19/2023
230425.248	Deborah Reade	Citizens for Alternatives to Radioactive Dumping (CARD)	4/19/2023, 9/22/2023

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230425.249	Natalie Walker, Hazardous Waste Bureau Chief	Idaho Department of Environmental Quality	4/19/2023
230425.250	Gene Strickland	Hobbs Municipal Schools	4/19/2023
230425.251	Chuck Torelli, Councilmember/Chair	Kennewick City Council/Hanford Communities	4/19/2023
230425.252	Amy S. Fitzgerald, Ph.D, Director	Government Affairs & Information Services, City of Oak Ridge, TN	4/19/2023
230425.253	Rivala Garcia		4/20/2023
230425.254	Juan Moreno	Arc Janitorial & Maintenance	4/21/2023
230425.255	Shay Gregory		4/22/2023
230425.256	Sylvia Anderson		5/14/2023
230425.257	Robert P. Darrow		7/12/2023
230425.258	William Hill, III		9/18/2023
230425.259	Maresa Pryor-Luzier		9/19/2023
230425.260	Heidi Corning		9/20/2023
230425.261	Nicholas R. Maxwell		9/20/2023, 9/22/2023
230425.262	Valerie Rangel		9/22/2023
230425.263	Belinda Secular		9/22/2023
230425.264	Leslie Larsen		9/22/2023
230425.265	Joan Robins		9/22/2023
230425.266	David Valencia		9/22/2023
230425.267	Charles Powell		9/22/2023
230425.268	Linda Starr		9/22/2023
230425.269	David McCoy		9/22/2023
230425.270	Ellen Ackerman		9/22/2023
230425.271	Lois Fuller		9/22/2023
230425.272	Roberto Roibal		9/22/2023
230425.273	Maia Duerr		9/22/2023
230425.274	Karen Weber		9/22/2023
230425.275	AJ Cho		9/22/2023
230425.276	David	Citizen Action New Mexico	9/22/2023
230425.277	Mike Palaima		9/22/2023

Commenter ID/AR #	Commenter	Organization, if applicable	Date of Letter
230425.278	Candace Duran		9/22/2023
230425.279	Sarah Byrden		9/22/2023
230425.280	Gail Robin Seydel/Don Hancock	Submitted Comment with 444 Individual Signatures	9/22/2023
230425.281	Sofia Martinez	Los Jardines Institute	9/24/2023

Table 2: Summaries of Public Comments and NMED Responses

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
R1.1 Support and/or Partial Support of Draft Permit	230425.01	Commenters were in general support or partial support of the Draft Permit. Many of these comments were in support of the proposed new requirements added by NMED to the Draft Permit, while also suggesting additional requirements.	Comments noted. The public is key to ensuring a thorough review in the permitting process, often contributing important information and knowledge that improves the quality of final decisions.
	230425.04		
	230425.22		
	230425.23		
	230425.24	Commenter Hancock states, "SRIC supports some of the conditions proposed by NMED in the Renewal Draft Permit, though in some cases, SRIC suggests improvements in the conditions. In addition, SRIC proposes other changes and conditions that should be incorporated into the Renewal Permit."	
	230425.39		
	230425.42		
	230425.46		
	230425.47		
	230425.52		
	230425.56		
	230425.60		
	230425.63	Commenter Clements states, "In general, I support the New Mexico Environment Department's placement of new conditions in the WIPP permit as it pertains to regulation of the site. As it pertains to TRU generated at SRS, I strongly support permit conditions that require DOE and the National Nuclear Security Administration (and DOE's Office of Nuclear Energy) to provide a full inventory of amounts of plutonium to be managed for disposal in WIPP and the volume of such TRU. This information must be provided for the life of TRU-generating projects."	
	230425.64		
	230425.68		
	230425.69		
	230425.72		
	230425.73		
	230425.74		
	230425.78		
230425.79			
230425.82			
230425.84			
230425.85			

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.87 230425.91 230425.94 230425.97 230425.98 230425.103 230425.105 230425.106 230425.107 230425.108 230425.111 230425.112 230425.113 230425.114 230425.115 230425.117 230425.120 230425.122 230425.131 230425.133 230425.134 230425.135 230425.136 230425.138 230425.141 230425.143 230425.144 230425.146 230425.147 230425.149 230425.150 230425.151 230425.166 230425.173 230425.174	<p>This topic area also included comments from several form letters. One form letter summarizes the WIPP mission and its participants and states, "I wholehearted agree with ALL of NMED's proposed changes to the draft Permit..." Another agrees with NMED's additions but goes on to recommend the strengthening and/or addition of a defined closure date, the prioritization of NM legacy waste, siting another repository and improving information exchange and public involvement.</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.175 230425.176 230425.190 230425.212 230425.218 230425.219 230425.220 230425.221 230425.223 230425.224 230425.225 230425.227 230425.228 230425.230 230425.231 230425.245 230425.246 230425.247 230425.248 230425.259		
R1.2 Opposition and/or Partial Opposition of Draft Permit	230425.01 230425.03 230425.04 230425.05 230425.06 230425.07 230425.10 230425.11 230425.12 230425.13 230425.14 230425.16 230425.18 230425.19 230425.20	<p>Commenters were in opposition or partial opposition to the Draft Permit. These include various letters of general opposition to the Draft Permit that share similar views on multiple comparable issues. Many of these comments comprise variations of several different form letters that are also in partial support of the Draft Permit but are in favor of further strengthening of existing requirements and/or addition of further requirements. Comments from these letters include:</p> <p>“I would like to thank the New Mexico Environment Department (NMED) for their rewriting of the DOE’s original application to address a number of my concerns. I support NMED’s requirement that the DOE site other repositories, so that New Mexico does not bear the sole</p>	<p>Comments noted. The public is key to ensuring a thorough review in the permitting process, often contributing important information and knowledge that improves the quality of final decisions.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.22 230425.23 230425.25 230425.27 230425.28 230425.31 230425.32 230425.33 230425.34 230425.35 230425.39 230425.41 230425.43 230425.53 230425.57 230425.58 230425.59 230425.61 230425.62 230425.71 230425.76 230425.77 230425.81 230425.83 230425.88 230425.89 230425.90 230425.92 230425.93 230425.94 230425.95 230425.97 230425.100 230425.102 230425.106	<p>burden of disposing of the nation’s military nuclear waste. However there are remaining issues and concerns that NMED must include in the final, approved permit to truly protect New Mexico’s people, lands and economies.”</p> <p>Others are against the Draft Permit in its current form due to NMED’s proposed changes and favor the conditions of the current permit. These commenters generally support WIPP:</p> <p>“I live in Lea County, and am proud to support the WIPP project. I do not support any permit changes that would hinder the quality and important work of WIPP.”</p> <p>Other commenters are opposed to a renewal of the Permit in any form and are in opposition to WIPP:</p> <p>“I oppose any changes to the original agreement to approve WIPP, especially the attempts to expand the original agreement beyond the closure date of 2024, the attempts to include waste not generated by the original Manhattan Project, and attempts to include other than low-level nuclear waste.”</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.242 230425.243 230425.244 230425.245 230425.246 230425.247 230425.248 230425.249 230425.250 230425.251 230425.253 230425.255 230425.256 230425.257 230425.258 230425.262 230425.263 230425.265 230425.266 230425.268 230425.269 230425.270 230425.271 230425.272 230425.274 230425.275 230425.276 230425.277 230425.279		
R2.1 Support WIPP - General	230425.04 230425.05 230425.07 230425.10 230425.13 230425.15	Commenters were in general support of WIPP. Many commenters mention WIPP's crucial mission. Commenter Walker of the Idaho Department of Environmental Quality (DEQ) states, "As the only operating geological repository in the United States,	Comments noted. The public is key to ensuring a thorough review in the permitting process, often contributing important information and knowledge that improves the quality of final decisions.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.16 230425.18 230425.20 230425.37 230425.38 230425.53 230425.54 230425.57 230425.58 230425.59 230425.61 230425.81 230425.83 230425.86 230425.90 230425.99 230425.100 230425.101 230425.102 230425.142 230425.153 230425.160 230425.161 230425.163 230425.164 230425.165 230425.167 230425.182 230425.189 230425.191 230425.192 230425.194 230425.195 230425.197 230425.201	<p>WIPP is an important site in the cleanup mission and DEQ fully supports its continued operation.”</p> <p>Many others mention WIPP’s benefit to the community and its safety record. Commenter Janway states, “WIPP has a tremendous safety record and is doing an excellent job of serving as an underground repository for the nation’s defense-generated Transuranic (TRU) waste, which includes waste generated in Los Alamos. WIPP also provides thousands of high-paying jobs to New Mexico residents and an opportunity for scientists and engineers growing up around Carlsbad to continue to do so.”</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.204 230425.211 230425.213 230425.214 230425.244 230425.247 230425.249 230425.250 230425.251 230425.252 230425.255		
R2.2 Opposition WIPP and/or Nuclear Industry - General	230425.02 230425.03 230425.06 230425.11 230425.12 230425.14 230425.19 230425.23 230425.25 230425.26 230425.27 230425.28 230425.29 230425.30 230425.31 230425.32 230425.33 230425.34 230425.35 230425.41 230425.43 230425.44 230425.48 230425.50	<p>Commenters were in general opposition to WIPP and/or the nuclear industry. These include various form letters of opposition. One form letter submitted by commenters mentions the siting of a new repository, change in waste volume calculations, new waste streams, transportation, and broken promises of closure as reasons for opposition. Another, written by commenter Pyle, states, "Containment issues will be of increasingly crucial importance long after WIPP's operational phase concludes and must not be forgotten. Now that we face an emplacement/disposal phase potentially extended by decades, along with the inclusion of different waste streams and higher volumes of waste that were not allowed under the original Land Withdrawal Act, it's time to look at these environmental issues again."</p> <p>About half of the commenters in this topic area mention health and the environment as reasons for their opposition to WIPP. Commenters Brenden, Seaton, and Greenwald state, "Los Alamos County has the highest cancer incidence rate in the state according to state statistics but due to the county's premium health care</p>	<p>Comments noted. The public is key to ensuring a thorough review in the permitting process, often contributing important information and knowledge that improves the quality of final decisions.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.62 230425.65 230425.68 230425.70 230425.71 230425.75 230425.77 230425.82 230425.84 230425.88 230425.89 230425.93 230425.110 230425.116 230425.118 230425.119 230425.121 230425.124 230425.125 230425.126 230425.127 230425.128 230425.129 230425.130 230425.132 230425.133 230425.139 230425.143 230425.145 230425.148 230425.150 230425.152 230425.154 230425.155 230425.156	<p>system, its cancer death rate lags behind other poorer counties.”</p> <p>Several commenters discussed environmental justice (EJ) concerns. Commenter Warren states, “Perpetuation of New Mexico serving as a nuclear 'playground' and dump, demonstrating a clear behavior pattern of disregard for the overall population of New Mexico - an unethical and immoral example of environmental injustice where adverse impacts are brought to the most economically disadvantaged state in the United States.”</p> <p>Many commenters mentioned safety as an issue, in terms of both facility events and risks involved in transportation of waste.</p> <p>New Waste Streams including Surplus Plutonium feature prominently as a concern. Commenter Seamster states, “Highly radioactive Plutonium waste from the manufacture of nuclear weapons pits is a significantly more hazardous cargo to ship across NM (and 11 other states) than TRU mixed low radioactive waste.”</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.157		
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.229 230425.230 230425.231 230425.232 230425.233 230425.235 230425.236 230425.237 230425.238 230425.239 230425.240 230425.241 230425.242 230425.243 230425.245 230425.246 230425.247 230425.248 230425.253 230425.256 230425.258 230425.263 230425.264 230425.268 230425.269 230425.270 230425.271 230425.272 230425.276 230425.279 230425.280		
R3 Hearing Request	230425.18 230425.29 230425.69 230425.163	These sixteen commenters write in opposition to the Draft Permit and request a public hearing.	June 20-23, 2023, NMED, in conjunction with the Permittees, held formal negotiations with parties who had submitted a hearing request and were in opposition to the Draft Permit per 20.4.1.901.A.4

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.166 230425.168 230425.187 230425.190 230425.212 230425.229 230425.232 230425.234 230425.245 230425.246 230425.247 230425.248		<p>NMAC. On June 23, 2023, the parties signed a Settlement Agreement and Stipulation on the Draft Permit [AR 230611]. As a result, hearing requests were withdrawn and a hearing did not occur. On June 26, 2023, the NMED Cabinet Secretary signed a Notice of Rescindment of Hearing and Hearing Officer Appointment [AR 230611].</p>
<p>R4 Closure</p>	230425.03 230425.04 230425.05 230425.07 230425.13 230425.14 230425.19 230425.20 230425.23 230425.25 230425.26 230425.27 230425.28 230425.32 230425.36 230425.53 230425.72 230425.88 230425.116 230425.131 230425.138 230425.140 230425.141	<p>Commenters mention closure of the WIPP facility as an area of concern. These comments come from commenters who are both in support of and in opposition to the Renewal Draft Permit. Also, from commenters who are in support of and in opposition to the WIPP facility itself.</p> <p>Closure is mentioned in context of a condition from previous permits that many feel was promised in 2024. Commenter Cardona states, "The expansion of WIPP is of great concern because of the fact that this site was to be closed in 2024 under the original agreement." Others mention the threat of closure as nonsensical in the short-term considering the facility's valuable role in the nation's waste disposal efforts. In addition, closure is mentioned as a goal that should be achieved as soon as possible by some, and by others as counterproductive "if we are to move forward with cleaning up the complex and fulfilling the legal and moral obligations to this nation's frontline cleanup communities." (Commenter Torelli)</p>	<p>The date of 2024 in the WIPP Permit was in the Permit attachments as descriptive language and was stated as an "anticipated" closure date. The 2024 date was not included in the Permit parts, where Permit requirements are located.</p> <p>The closure date of WIPP is now tied to the Permit term of ten years and capacities in Permit Part 4, Table 4.1.1. This change requires the Permittees to make a case , and file an application with NMED, for Permit Renewal at the end of the Permit term. This allows the State to require an accurate inventory of waste awaiting clean-up around the United States, including Los Alamos National Laboratory, for emplacement at WIPP. A Permit condition now triggers a notice of revocation and reissuance if the Land Withdrawal Act (LWA) volumetric disposal limit for transuranic (TRU) waste of 6.2 million cubic feet at the WIPP facility is increased, or additional types of waste are authorized, by federal statute. These requirements were added, in part, in response to public comment on the Draft Permit.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.143 230425.144 230425.145 230425.146 230425.147 230425.148 230425.149 230425.150 230425.151 230425.154 230425.155 230425.156 230425.158 230425.162 230425.163 230425.165 230425.166 230425.168 230425.171 230425.173 230425.174 230425.175 230425.179 230425.180 230425.185 230425.187 230425.192 230425.193 230425.197 230425.198 230425.199 230425.200 230425.205 230425.207 230425.212		See Table 3 of this matrix for Permit citations of new requirements.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.214		
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.271 230425.273 230425.275 230425.276 230425.278 230425.279 230425.281		
R5 Human Health and the Environment	230425.01 230425.02 230425.06 230425.11 230425.13 230425.15 230425.16 230425.18 230425.27 230425.31 230425.34 230425.35 230425.40 230425.48 230425.49 230425.50 230425.54 230425.61 230425.62 230425.64 230425.71 230425.82 230425.88 230425.89 230425.92 230425.102 230425.105 230425.111	<p>Commenters mention health and the environment as an area of concern. Many of these mention cancer and other illnesses and/or contamination from a crash or spill as possibilities. Others state that the DOE's cleanup mission for TRU mixed waste disposal at WIPP is better for human health and the environment than other available options. Commenter Foster states, "WIPP is designed to safely isolate defense-related TRU waste from people and the environment by permanently disposing it in its nuclear repository."</p>	<p>The purpose of Permit requirements is to ensure the protection of human health and the environment.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
<p>R6 Safety</p>	<p>230425.01 230425.05 230425.07 230425.13 230425.14 230425.16 230425.19 230425.28 230425.31 230425.34 230425.35 230425.36 230425.38 230425.40 230425.43 230425.49 230425.54 230425.57 230425.59 230425.61 230425.64 230425.65 230425.67 230425.70 230425.71 230425.88 230425.89 230425.93 230425.94 230425.96 230425.99 230425.100 230425.101 230425.102 230425.105</p>	<p>Commenters mention safety of WIPP and/or any part of the transport and disposal process of waste therein as an area of concern. Those that view WIPP as the best available option for disposal of TRU mixed waste mention the comparative safety of WIPP's transportation and disposal program. Those that are in opposition to WIPP and/or the nuclear industry in general state that the longevity and reactivity of the materials being transported and disposed render the process inherently unsafe.</p>	<p>Safety of the WIPP facility is a priority for NMED. Numerous regulatory entities, including but not limited to NMED, the U.S. Mine Safety and Health Administration (MSHA), and the U.S. Environmental Protection Agency (EPA), conduct audits, surveillances, and inspections at the WIPP facility on a periodic basis in order to ensure the safety of the facility.</p> <p>The transportation of waste is also rigorously inspected along the WIPP Route and as shipments enter into the State of New Mexico. See also R8.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.277		
R7 New Waste Streams including Surplus Plutonium	230425.01 230425.06 230425.14 230425.19 230425.22 230425.23 230425.26 230425.27 230425.28 230425.29 230425.30 230425.31 230425.32 230425.35 230425.36 230425.39 230425.48 230425.50 230425.72 230425.79 230425.82 230425.88 230425.94 230425.95 230425.100 230425.102 230425.126 230425.131 230425.138 230425.140 230425.141 230425.143 230425.144	<p>Commenters mention new waste streams including diluted surplus plutonium. Many state that WIPP is the best location for disposal of these types of waste. Commenter Christensen states “Without WIPP, frontline communities hosting federal cleanup sites may become de facto storage sites for the TRU waste created during the Cold War, as well as waste created at Los Alamos National Laboratory and Savannah River Site from preparation of surplus plutonium for disposal and fabrication of plutonium pits.”</p> <p>Others state that surplus plutonium was never included in the original agreement on types of waste to be emplaced at WIPP and emphasize the increased risk involved with accepting new waste streams. Commenter Reade states “This kind of risk, especially for three generations or forever is totally unacceptable. The Draft Permit is silent about Surplus Plutonium and the Dilute and Dispose plan to bring this waste to WIPP. The risks from this waste are not at all supportive of preserving the health of New Mexicans and our environment. NMED must add a condition to the Draft Permit prohibiting the acceptance of this Surplus Plutonium waste stream no matter how it is diluted.”</p>	Waste destined for WIPP must be reviewed and approved through a certified program and all waste streams must meet the Permit Waste Acceptance Criteria (WAC) and the Waste Analysis Plan (WAP) found in Permit Part 2 and Attachment C. Other documents limit types of waste that can be disposed at WIPP, including the DOE Waste Acceptance Criteria and the federal Land Withdrawal Act.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.226 230425.227 230425.228 230425.229 230425.230 230425.231 230425.232 230425.233 230425.235 230425.236 230425.237 230425.238 230425.239 230425.240 230425.241 230425.242 230425.243 230425.245 230425.246 230425.247 230425.248 230425.251 230425.265 230425.271 230425.272 230425.274 230425.275 230425.280		
R8 Transportation	230425.01 230425.05 230425.06 230425.07 230425.11 230425.13 230425.14	Commenters mention transportation as a particular area of concern. Those that support WIPP and are in opposition to the Draft Permit note transportation as a strength of the WIPP disposal network and emphasize that its record shows it is safe. Commenters on transportation in opposition to WIPP and/or the nuclear industry in general are the majority in this topic area,	WIPP waste transport is under the purview of the United States Department of Transportation (US DOT) and the Nuclear Regulatory Commission (NRC). While the transportation of WIPP waste is not regulated under the Permit, the Final Permit contains a requirement that the Permittees must report non-compliances with US DOT requirements

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.16 230425.18 230425.21 230425.22 230425.28 230425.31 230425.32 230425.34 230425.35 230425.36 230425.50 230425.61 230425.62 230425.64 230425.88 230425.92 230425.93 230425.94 230425.96 230425.100 230425.101 230425.118 230425.127 230425.137 230425.139 230425.140 230425.141 230425.143 230425.144 230425.146 230425.147 230425.152 230425.154 230425.155 230425.162	<p>and mention concerns around possibilities of accidents leading to radiological release and routes near or through residential areas. Many commenters live near these routes.</p>	<p>to NMED. This requirement was added, in part, in response to public comment on the Draft Permit. See Table 3 of this matrix for Permit citation of new requirement.</p> <p>The State of New Mexico also has the New Mexico Radioactive Waste Consultation Task Force, whose mission is to represent the interests of the State of New Mexico regarding the safe and uneventful transportation of nuclear waste in and through the state.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.164		
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	230425.179		
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.245 230425.248 230425.251 230425.256 230425.274 230425.277		
R9 Environmental Justice (EJ)	230425.19 230425.36 230425.39 230425.93 230425.121 230425.143 230425.145 230425.150 230425.166 230425.202 230425.246 230425.248 230425.262	Commenters discussed environmental justice (EJ) concerns. Some commenters note that true EJ concerns dictate a cleanup of waste from the nuclear complex that will benefit all and that WIPP remains the best location to do so. Others note that any financial benefits that New Mexico has experienced from nuclear activities in the state have "...led to isolated pockets of wealth (often with gated and/or exclusive neighborhoods) that are then averaged into the poor surrounding areas..." Further commenters mentioned EJ in the context of it being a necessary part of facility training.	NMED is committed to addressing Environmental Justice concerns through the permitting process. Towards this end, NMED continuously seeks to improve its public participation practices and to apply best methods for protecting health and the environment through each Permit Modification Request (PMR) process.
R10 Land Withdrawal Act (LWA)/Permit Revocation	230425.07 230425.10 230425.13 230425.14 230425.16 230425.18 230425.39 230425.46 230425.47 230425.61 230425.63 230425.69 230425.74 230425.82 230425.90 230425.103	Commenters mention the terms of the Land Withdrawal Act (LWA). Many commenters submit comments through several form letters that mention permit revocation if congress changes the waste volume limits specified in the LWA. Commenter Hancock states, "Additionally, SRIC does not support revoking the WIPP Permit without reissuing the Permit with final closure conditions, among other provisions. Absent any Permit, the Permittees could potentially not be required to comply with closure provisions necessary to protect public health and the environment."	A Permit condition now triggers a notice of revocation and reissuance if the Land Withdrawal Act (LWA) volumetric disposal limit for transuranic (TRU) waste of 6.2 million cubic feet at the WIPP facility is increased, or additional types of waste are authorized, by federal statute. This requirement was added, in part, in response to public comment on the Draft Permit. See Table 3 of this matrix for Permit citation of new requirement.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.112		
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	230425.131		
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.227 230425.230 230425.231 230425.245 230425.247 230425.248 230425.249 230425.259		
R11 Root Cause Analysis	230425.13 230425.14 230425.16 230425.18 230425.61 230425.163 230425.164 230425.192 230425.245 230425.246	Commenters mention Root Cause Analysis in reference to language proposed in the Draft Permit in Attachment A1. Some commenters state that root cause analysis is outside the scope of NMED’s purview due to having no authority over radiation. Others express the view that added language in the Draft Permit is necessary to protect the environment of New Mexico and the health of its people.	A new report is required if the integrity of a shipping container is compromised and will be required reading; the report will be sent to generator/storage sites and the audit team. See Table 3 of this matrix for Permit citation of new requirement.
R12 Siting Another Repository	230425.07 230425.10 230425.11 230425.13 230425.14 230425.16 230425.17 230425.28 230425.30 230425.32 230425.36 230425.39 230425.41 230425.61 230425.62 230425.88 230425.95	Many letters expressed opinions both for and against the proposed requirement in the Draft Permit for the Permittees to work towards the siting of another repository to be opened in a state other than New Mexico. Some commenters state this Draft Permit condition should be strengthened to ensure DOE must make progress toward the siting of another repository.	NMED has added a new section to require the submittal of an annual report detailing the DOE’s progress toward siting another repository for transuranic waste in a state other than New Mexico. Details of documentation which may be included in the annual report summarizing DOE’s progress toward siting another repository for transuranic waste in a state other than New Mexico have been added as a result of the Settlement Agreement. This requirement was added, in part, in response to public comment on the Draft Permit. See Table 3 of this matrix for Permit citation of new requirement.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.96		
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	230425.117		
	230425.122		
	230425.126		
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.179		
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NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.243 230425.245 230425.248 230425.255 230425.259 230425.277 230425.280		
R13 Public Participation	230425.07 230425.14 230425.21 230425.42 230425.44 230425.46 230425.47 230425.49 230425.52 230425.60 230425.63 230425.64 230425.66 230425.74 230425.78 230425.79 230425.85 230425.87 230425.91 230425.103 230425.106 230425.107 230425.108 230425.112 230425.113 230425.114 230425.115 230425.117	<p>Commenters mentioned NMED’s public participation process. Several form letters with some variations mention issues surrounding the process. These include the following statements:</p> <p>“I urge you to add measures for giving public notice. I also urge you to make the public notice accessible to all New Mexicans. Notice in written English on the internet is not adequate. Many New Mexicans don't have internet access, and many don't communicate in written English. The permit should require that notice be given using other equitably accessible means.”</p> <p>And: “Retain conditions that support an increase in reporting, transparency for the public, and increased public involvement.”</p> <p>In addition, comments objecting to NMED’s proposed changes to the public participation process and/or the process itself were received:</p> <p>“I find it extremely odd that NMED did not seek public input from the citizens who live closest to WIPP before drafting and publishing modifications to permit renewal. Citizens of Carlsbad overwhelmingly support the Waste Isolation Pilot Plant’s existence, mission, and operation and should have been consulted.”</p>	<p>Throughout the Renewal process, NMED made extensive efforts to ensure public participation opportunities were available. As a result of Negotiations, the Permittees must now follow NMED’s robust Public Involvement Plan. The Permittees also must now hold community forums three times per year.</p> <p>See Table 3 of this matrix for Permit citation of new requirement.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.122 230425.131 230425.133 230425.134 230425.135 230425.136 230425.138 230425.139 230425.141 230425.143 230425.144 230425.145 230425.146 230425.147 230425.149 230425.150 230425.151 230425.159 230425.163 230425.166 230425.167 230425.168 230425.169 230425.170 230425.173 230425.176 230425.192 230425.197 230425.206 230425.212 230425.219 230425.221 230425.224 230425.225 230425.227	<p>And: “The Permittees have implemented an ISO 14001, Environmental Management System, which includes stakeholder engagement and communication, which may include additional non-regulatory required virtual townhall meetings for Class 2 and 3 Permit Modification Requests (PMRs). In fact, providing virtual townhall public meetings has been the recent practice implemented by the Permittees. The advantage of virtual townhall meetings versus in-person community-based meetings (e.g., in Carlsbad and Santa Fe) is that they are accessible to a larger public audience.”</p> <p>Additionally, some commenters noted improvement in the public participation process. Commenter Reade states, “NMED and the Hazardous Waste Bureau in particular have made great improvements in translating public notices, fact sheets, the NMED website and even the WIPP PIP into Spanish. The Bureau has also made efforts to make sure that radio stations reach potentially affected populations, that notices are posted where Spanish speakers are most likely to see them and that Spanish notices in newspapers run when Spanish readers are most likely to read them. This is a vast improvement over problems in the past. The Bureau’s willingness to accommodate this writer’s hearing disability is also much appreciated.”</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.228 230425.229 230425.230 230425.231 230425.233 230425.234 230425.235 230425.236 230425.237 230425.238 230425.239 230425.240 230425.241 230425.242 230425.245 230425.246 230425.247 230425.248 230425.259		
R14 Monitoring Oil & Gas Production & Saltwater Disposal Wells	230425.11 230425.12 230425.13 230425.14 230425.16 230425.61 230425.62 230425.94 230425.163 230425.164 230425.166 230425.174 230425.178 230425.190 230425.192 230425.206	Commenters mention issues around the monitoring of, and/or the drilling of, oil and gas and saltwater disposal wells in the vicinity of the WIPP site.	A new summary annual report is now required based on New Mexico Oil Conservation Division data. This requirement was added, in part, in response to public comment on the Draft Permit. See Table 3 of this matrix for Permit citation of new requirement.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.208 230425.245 230425.246 230425.262		
R15 Generator Site Technical Reviews (GSTR)	230425.14 230425.163 230425.245 230425.246 230425.247	Commenters address issues on the addition of language in the Draft Permit on Generator Site Technical Reviews (GSTRs). Comments in this topic area are either for or against requiring GSTRs to be performed on a biennial basis.	NMED has added Generator Site Technical Reviews (GSTRs) to the Permit, in addition to Permit-required audits of generator/storage sites that ship waste to WIPP. There is a requirement that the GSTR schedule must be approved by NMED annually and a GSTR section must be included in final audit reports. A GSTR item was added to the C6 Checklist for audits.
R16 Panels 11 and 12	230425.14 230425.138 230425.140 230425.143 230425.144 230425.146 230425.147 230425.149 230425.150 230425.151 230425.173 230425.174 230425.175 230425.185 230425.217 230425.218 230425.219 230425.221 230425.223 230425.224 230425.225 230425.226 230425.227	<p>Commenters mention Panels 11 and 12. Most commenters are against WIPP and/or the nuclear industry in general, and invariably link Panels 11 and 12 with expansion of the facility and/or change in volume of waste measurement. Most of these comments come from various form letters that include the following statement: “The DOE is playing a shell game with New Mexico by changing the way the waste is measured so that more panels have to be excavated”</p> <p>Other commenters express the view that the panels are “contrary to the approved repository footprint” and that the proposed location of the panels is geologically inappropriate.</p>	Geologic mapping that occurred during the excavation of Shaft 5 has indicated that the geology in the proposed area for Panels 11 and 12 is similar to the geology in the area of the original footprint. In the Final Permit, there is a new condition requiring future waste panels beyond Panels 11 and 12 be requested in a renewal application, not through a PMR. The application must also include a description of the final facility footprint. These requirements were added, in part, in response to public comment on the Draft Permit.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.228 230425.230 230425.231 230425.232 230425.242 230425.245 230425.246 230425.247 230425.248		
R17 Aisle Space	230425.14 230425.247	Commenters mention aisle space in the WIPP facility as an area of particular concern. Commenter Arends states, "Forklift tines are 48 inches long, Pallets are generally 48 inches by 40 inches. It is unconscionable for the Permit not to require a minimum aisle space of 48 inches throughout the WIPP complex." Commenter Wilks III states, "NMED is adding language to address issues concerning aisle space in the waste handling building. We support this added language."	NMED added language to address issues concerning aisle space in the Waste Handling Building. This requirement was added, in part, in response to public comment on the Draft Permit. See Table 3 of this matrix for Permit citation of new requirement.
R18 WIPP Mission/Pilot Plant	230425.14 230425.16 230425.18 230425.20 230425.24 230425.28 230425.33 230425.36 230425.37 230425.40 230425.51 230425.54 230425.57 230425.58 230425.59 230425.72 230425.81	<p>Commenters mention WIPP's mission and/or its designation as a "pilot" plant. Those in support of WIPP note its unique role in environmental cleanup, while those in opposition generally indicate some deviation from its original mission.</p> <p>Commenter Christensen states, "As the only operating geological repository in the U.S., WIPP is the single most important site for our cleanup mission, as well as for all communities that are part of nation's defense environmental cleanup mission."</p> <p>Commenter Weehler notes, "Many of us who are labeled "anti-nuclear" believe that WIPP's original and current mission should be completed...We advocate for the mission WIPP was meant to complete." In addition, Weehler submitted a link for a video interview of</p>	NMED is retaining Permit language related to the mission of WIPP as a pilot plant for the permanent disposal of TRU waste, as well as language pertaining to the history of the Permit and post-closure activities.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.83 230425.88 230425.90 230425.95 230425.98 230425.99 230425.100 230425.101 230425.102 230425.123 230425.131 230425.141 230425.142 230425.160 230425.161 230425.163 230425.164 230425.166 230425.167 230425.183 230425.187 230425.193 230425.194 230425.195 230425.196 230425.197 230425.205 230425.207 230425.211 230425.214 230425.215 230425.216 230425.218 230425.220 230425.223	concerned citizens regarding these perceived changes in WIPP's original mission.	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.230 230425.231 230425.242 230425.243 230425.245 230425.246 230425.248 230425.249 230425.250 230425.251 230425.260 230425.269 230425.272		
R19 Waste Characterization/ Audits	230425.13 230425.14 230425.163 230425.245 230425.246 230425.247	<p>Commenters mention the process of waste characterization and/or audits, in reference to language added by NMED in the Draft Permit. These comments pertain to proposed revisions to Attachment C in the current permit.</p>	<p>Waste destined for WIPP must be reviewed and approved through a certified program and all waste streams must meet the Permit Waste Acceptance Criteria (WAC) and Waste Analysis Plan (WAP). NMED has confirmed its ability to observe the daily audit team caucuses as part of its observation of the audit process in order to approve final audit reports.</p>
R20 Volume of Record (VOR)	230425.14 230425.28 230425.36 230425.88 230425.138 230425.140 230425.143 230425.144 230425.146 230425.147 230425.149 230425.150 230425.151 230425.166 230425.173	<p>Commenters mention the Class 3 Permit Modification Request Volume of Record and/or refer to how volume is measured in the Permit or Draft Permit. Various form letters mention this concern including language such as, "Retain the condition revoking the permit if waste volume is increased by congress."</p> <p>Other commenters express concerns regarding the 2018 change in how container volume is measured in the Permit. Commenter Zappe states, "While I generally support renewal of the WIPP Hazardous Waste Facility Permit, I oppose NMED's draft Permit primarily because it retains the language introduced into the Permit by the 2018 hearing regarding the Class 3 "Clarification of TRU Mixed Waste Disposal Volume Reporting" modification</p>	<p>On November 9, 2021, a New Mexico appellate judge upheld a permit modification change in how the volume of nuclear waste disposed of at the Waste Isolation Pilot Plant is calculated.</p> <p>The capacity limit for TRU waste allowed by Congress in the LWA is 6.2 million ft³ (175,564 m³). Permit Part 4, Table 4.1.1 tracks the LWA TRU waste volume in relation to the TRU mixed waste volume reported for the Permit. As NMED receives PMRs requesting additional disposal panels, these requests will be evaluated to ensure they do not exceed the LWA limit.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.174 230425.175 230425.176 230425.187 230425.212 230425.218 230425.232 230425.242 230425.245 230425.246 230425.247 230425.248 230425.271	<p>for which the NMED Secretary issued a Final Order approving the draft Permit on December 21, 2018.”</p> <p>Commenter Seydel states, “With regard to the Volume of Record modification; DOE should not be allowed these redefinitions, especially as we know that the outside of the storage drums is at times contaminated, and so must also be counted as hazardous wastes in volume measurements. However your condition that revokes the permit should the allowable volume of waste be altered by the DOE or Congress is one that I support and urge you to stay strong on that condition.”</p>	<p>A Permit condition now triggers a notice of revocation and reissuance if the Land Withdrawal Act (LWA) volumetric disposal limit for transuranic (TRU) waste of 6.2 million cubic feet at the WIPP facility is increased, or additional types of waste are authorized, by federal statute.</p> <p>See Table 3 of this matrix for Permit citation of new requirement.</p>
R21 Permitting Process/Oversight	230425.08 230425.13 230425.16 230425.30 230425.45 230425.51 230425.56 230425.61 230425.80 230425.97 230425.164 230425.166 230425.192 230425.206 230425.245 230425.246 230425.247 230425.248 230425.261	<p>Commenters mention the permitting process and/or oversight of WIPP. These comments cover a wide variety of areas including whether permitting should exist at all, that the permitting process is being used to gain concessions from the Permittees, and that the process is too political and changes with state leadership.</p> <p>Commenter Maxwell states “I further assert that the Proposed Final Permit should be treated as a "draft permit" under RCRA regulations. A draft permit typically implies a permitting document that has not yet been finalized and remains subject to public comment and potential modification. Given that the Proposed Final Permit is open for public comment and incorporates substantive changes from its predecessor, it seems to meet these criteria and should, therefore, be subject to the 45-day comment period mandated under RCRA.”</p> <p>Commenter Maxwell goes on to state in a subsequent submission, “Herein, the terms 'Proposed Final Permit', and 'Second Draft Permit' are synonymous and are used interchangeably. The Second Draft Permit incorporates</p>	<p>NMED provides regulatory oversight over the WIPP Permit to ensure compliance, which includes review and issuance of permit modifications, and observation, review, and approval of generator site audits. The radiological aspects of the waste at WIPP are regulated by the U.S. Environmental Protection Agency (EPA), the U.S. Department of Transportation (DOT), the U.S. Nuclear Regulatory Commission (NRC), and the U.S. Department of Energy (DOE).</p> <p>The State of New Mexico’s authority to regulate the hazardous waste at WIPP is governed under the HWA and RCRA. Under RCRA, the State of New Mexico has been granted primacy of the RCRA hazardous waste program within the state by the EPA. Specifically, New Mexico is authorized by the EPA under 50 Fed Reg 1515 (January 11, 1985) and subsequent authorizations. New Mexico implements this authority under the HWA, NMSA 1978, §74-4-1 to 14.</p> <p>40 Code of Federal Regulations Part 270.2 states in</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
		<p>changes to the First Draft Permit resulting from confidential negotiations, as detailed in a subsequent Settlement Agreement and Stipulation... The Second Draft Permit qualifies as a 'draft permit,' in accordance with New Mexico Administrative Code (NMAC) 20.4.1.901.”</p> <p>Under the assertion that the “Proposed Draft Permit qualifies as a “draft permit”, commenter Maxwell requests a hearing, “to scrutinize changes to the First Draft Permit due to the Settlement Agreement.”</p>	<p>its definition of a draft permit that a proposed permit, like the one issued by NMED August 15, 2023 as a courtesy to show changes made between the Draft Permit as a result of the Settlement Agreement, is not a draft permit.</p> <p>NMED originally provided 60 days of public comment on the Draft Permit, 15 days over the minimum 45 days required by the regulations at 20.4.1.901.A.3 NMAC for public comment periods. On January 24, 2023, NMED received a request for a 60-day extension of the Draft Permit comment period [AR 230112] which was granted by NMED on February 13, 2023 [AR 230211], and the Draft Permit comment period was extended to April 19, 2023 for 120-days in total. On April 26, 2023, the NMED Secretary issued a Notice of Hearing and Appointment of Hearing Officer To Be Determined Order [AR 230420] which extended the comment period to the close of an anticipated public hearing. June 20-23, 2023, NMED, in conjunction with the Permittees, held negotiations with parties who had submitted a hearing request and were in opposition to the Draft Permit. On June 23, 2023, the parties signed a Settlement Agreement and Stipulation on the Draft Permit [AR 230611]. As a result, hearing requests were withdrawn and a hearing did not occur. On June 26, 2023, the NMED Cabinet Secretary signed a Notice of Rescindment of Hearing and Hearing Officer Appointment [AR 230611] which regulatorily would have ended the comment period. As a courtesy, NMED extended the comment period to the date of the NMED Renewal Public Meeting on September 22, 2023. As stated in NMED’s August 15, 2023 Public Notice [AR 230818], any comments</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
			received during this final extension would receive a response from NMED but would not alter the Final Permit in light of the Settlement Agreement and Stipulation on the Draft Permit.
R22 Financial Issues	230425.04 230425.07 230425.10 230425.13 230425.18 230425.36 230425.86 230425.90 230425.118 230425.142 230425.143 230425.165 230425.191 230425.202 230425.206 230425.211 230425.244 230425.255	Commenters mention financial issues as pertinent in the renewal process. Many mention the financial benefits to the Carlsbad area as reasons for their support of the facility. Others state that inherent environmental justice issues exist in the context of federally sponsored actions within the state. Further commenters express concern that the amount of investment in the WIPP facility and waste disposal process makes unbiased decision making more difficult moving forward.	This is beyond NMED’s purview. The RCRA regulations do not consider economic factors in the review and processing of RCRA permit renewal requests.
R23 Expansion - General	230425.13 230425.19 230425.27 230425.28 230425.30 230425.31 230425.32 230425.34 230425.36 230425.72 230425.79 230425.82 230425.94	Commenters mention expansion in reference to the WIPP mission, timeline, types of waste accepted, footprint of the facility and/or volume of waste to be emplaced. This topic area includes submissions of several form letters with the following statements: “New Mexico must not cave in to endless demands for permanent acceptance of the totality of this nation’s weapons waste including yet-to-be-generated wastes, when we were originally guaranteed limits on the capacity, timeline and scope of disposal.”	A Permit condition now triggers a notice of revocation and reissuance if the Land Withdrawal Act (LWA) volumetric disposal limit for transuranic (TRU) waste of 6.2 million cubic feet at the WIPP facility is increased, or additional types of waste are authorized, by federal statute. The LWA capacity is the limiting factor for waste disposal at the WIPP facility. See Table 3 of this matrix for Permit citation of new requirement.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.95 230425.137 230425.139 230425.140 230425.143 230425.145 230425.148 230425.152 230425.157 230425.162 230425.168 230425.169 230425.170 230425.171 230425.179 230425.180 230425.185 230425.196 230425.201 230425.215 230425.219 230425.222 230425.224 230425.229 230425.230 230425.231 230425.232 230425.233 230425.235 230425.236 230425.237 230425.238 230425.239 230425.240 230425.241	<p>“NMED goals for WIPP must be to prevent its expansion in terms of both types of radioactive wastes disposed and its operating lifetime. I commend NMED on its tougher enforcement policy and urge the Department to continue doing so with respect to WIPP issues.”</p> <p>“A new NMED Permit condition would trigger the revocation of the Permit if the disposal limit of 6.2 million cubic feet of transuranic wastes under WIPP’s enabling legislation, the Land Withdrawal Act, is increased or otherwise changed by the U.S. Congress. (Section 1.3.1) This will help protect WIPP from being expanded.”</p> <p>“Major issues in the draft Permit are DOE’s proposed changes to extend operations at WIPP until 2050 and beyond and to mine new waste panels.”</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.245 230425.246 230425.247 230425.248 230425.260 230425.263 230425.264 230425.265 230425.266 230425.267 230425.269 230425.270 230425.271 230425.273 230425.274 230425.275 230425.276 230425.278 230425.279 230425.280 230425.281		
R24 Notice of Hazards in Deeds, Notices, Certifications	230425.247	Commenter Arends states, "CCNS opposes the lack of formal publication requirements for all deed recordations and restrictions in the draft renewal permit. For example, (&)7.4 <i>Notices and Certifications</i> . This section must be rewritten to include statements/warnings about the danger of the radioactive and hazardous wastes, entering the site, exploring the site for natural resources, etc."	The WIPP facility must comply with all posting requirements of the Permit.
R25 Shaft #5	230425.245 230425.248	Shaft #5 was mentioned by two commenters. Commenter Hancock states: "The C&C Agreement also calls for four shafts: Exhaust and Waste Shafts...ventilation supply and service (later renamed Salt Handling), and air intake shaft."	Shaft 5 is part of the Permanent Ventilation System which will automatically control airflow in the WIPP underground. The Permittees state in their January 21, 2020 Response to NMED's December 6, 2019 Technical Incompleteness Determination (TID), "Underground ventilation is ubiquitous in that it

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
		<p>Also, “SRIC opposes expanding that underground design to include the new shaft (which approval is also on appeal in the NM Court of Appeals... and Panels 11 and 12.”</p> <p>In addition, commenter Reade refers to information from the Shaft #5 hearing:</p> <p>“There is no discussion of why it is not feasible to expand into the north, south or east as was explained by the Permittees’ expert witness during the WIPP Shaft #5 modification hearing.”</p>	<p>affects the entire underground facility regardless of facility configuration.”</p> <p>Also, in response to NMED’s TID, the Permittees answered NMED’s question about the shaft location: “It was determined that a shaft located to the west of the existing facility provides the least engineering challenges along with lower expected construction and long-term operational costs. A borehole confirmed the adequacy of the location.”</p>
<p>R26 New Mexico Waste Prioritization</p>	<p>230425.07 230425.10 230425.13 230425.14 230425.17 230425.18 230425.19 230425.26 230425.36 230425.39 230425.53 230425.61 230425.72 230425.88 230425.131 230425.138 230425.140 230425.141 230425.143 230425.144 230425.146 230425.147</p>	<p>Many commenters mention the prioritization of New Mexico waste. This topic area includes comments from several form letters with statements such as:</p> <p>“Retain the requirement prioritizing New Mexico Waste but add language to prioritize Legacy Waste”</p> <p>And: “A new NMED Permit section will require the prioritization of waste from New Mexico generator and storage sites for emplacement at WIPP... This will help to prioritize the disposal of TRU wastes from LANL at WIPP instead of DOE’s current prioritization of out-of-state wastes.”</p> <p>Some refer to the prioritization requirement language in the Draft Permit as outside the Permittee’s area of control:</p> <p>“The Permittees propose to add text to the Permit to maintain adequate disposal space and the resources needed to dispose of the stored TRU mixed waste from the clean-up activities at the Los Alamos National</p>	<p>Disposal of LANL (Los Alamos National Laboratory) legacy waste is a priority for the State of New Mexico.</p> <p>The Permittees must now certify that there is sufficient capacity in permitted waste panels for the emplacement of LANL stored (including buried) waste.</p> <p>During Negotiations, a new Permit condition was established called the “Legacy TRU Waste Disposal Plan” which will both define “legacy TRU and TRU mixed waste” and be developed in consultation with generator/storage sites and stakeholders. To the extent practicable, Panel 12 shall be reserved for the disposal of legacy TRU mixed waste.</p> <p>These requirements were added, in part, in response to public comment on the Draft Permit.</p> <p>See Table 3 of this matrix for Permit citation of new requirement.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.149 230425.150 230425.151 230425.155 230425.162 230425.163 230425.166 230425.173 230425.174 230425.175 230425.179 230425.183 230425.187 230425.192 230425.197 230425.212 230425.214 230425.218 230425.219 230425.220 230425.221 230425.224 230425.225 230425.227 230425.228 230425.230 230425.231 230425.242 230425.245 230425.246 230425.248 230425.249 230425.255 230425.259 230425.280	<p>Laboratory (LANL). The DOE agrees that emplacement of waste from LANL clean-up is a priority. It is the responsibility of LANL, and outside the control of the Permittees, to plan and prepare waste for shipment from LANL to the WIPP facility.”</p> <p>And: “I guess I will say that, of all the problematic language being proposed, the one requiring that 50 percent of the waste going to WIPP come from Los Alamos probably takes the cake in terms of being completely unrealistic... Those of us with even a little bit of knowledge about WIPP know that different campaigns from different generator sites ebb and flow depending on need. Nor is it ethical to demand that the bulk of such a federally funded facility be devoted for state use. LANL should absolutely take priority, but a request for some sort of arbitrary volume division is unreasonable.”</p>	

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
<p>R27 Comprehensive Inventory Database (CID)</p>	<p>230425.245 230425.246 230425.247</p>	<p>Commenters mention the Comprehensive Inventory Database (CID) and urge that the public has access to this information.</p> <p>Commenter Kovac suggests the following language for addition to Section 4.2.1.4: “Public access to the Comprehensive Inventory Database (CID) shall be provided to assist in verification of the calculations and data.”</p> <p>Commenter Arends states, “CCNS object to the DOE/NNSA’s continual denial for public access to the Central Internet Database (CID). If the Permittees continue to plan to keep WIPP open until at least 2080, then public access to this information is more important than ever.”</p> <p>Commenter Hancock states, “To provide an accurate inventory, the Renewal Permit should require that the Comprehensive Inventory Database (CID) be publicly available. The CID is the data source for the ATWIR and includes data on waste emplaced at WIPP, waste projected to be generated through Calendar Year 2033 (WIPP-bound waste), waste that may not meet regulatory requirements (Potential waste), and waste that is projected to be generated from Calendar Years 2033 through 2083 (Projected waste).”</p>	<p>The new condition that the Permittees must provide an inventory of TRU waste from the DOE complex, with a basis for how the quantities were estimated, to support a renewal application, will help to alleviate some of these concerns.</p> <p>See Table 3 of this matrix for Permit citation of new requirement.</p>
<p>R28 Repository Footprint</p>	<p>230425.11 230425.62 230425.131 230425.138 230425.141 230425.143 230425.144 230425.146</p>	<p>Commenters mention the repository footprint, generally in reference to expansion of the facility and/or replacement panels. This topic area includes comments made in several form letters including statements such as:</p>	<p>Future waste panels beyond Panels 11 and 12 must now be requested in a renewal application, not through a Permit Modification Request. The application must include a description of the final facility footprint. These requirements were added, in part, in response to public comment on the Draft Permit.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.147 230425.149 230425.150 230425.151 230425.171 230425.173 230425.174 230425.175 230425.190 230425.218 230425.245 230425.247 230425.248	<p>“Certainly there should be no new “replacement panels” until other weapons waste storage sites are announced.”</p> <p>And: “Major issues in the draft Permit are DOE’s proposed changes to extend operations at WIPP until 2050 and beyond and to mine new waste panels.”</p> <p>Also: “Prohibit new “replacement panels” at this time.”</p>	
R29 Consultation and Cooperation (C&C) Agreement	230425.166 230425.245	<p>Commenters mention the Consultation and Cooperation (C&C) Agreement both in the context of facility closure, and regarding its legally binding nature.</p> <p>Commenter Meiklejohn states, “...the Consultation and Cooperation Agreement between the State of New Mexico and the U.S. Department of Energy also clearly contemplated that WIPP would cease operations at some point in the future. Article VII of the Agreement lists 17 Key Events, and the 17th Key Event is the Decontamination and Decommissioning of WIPP.”</p> <p>Commenter Hancock states, “While the Permittees want to disregard the C&C Agreement, it remains binding law. If the Permittees were complying with the C&C Agreement, they would not be proposing WIPP expansion in numerous changes in the Permit.”</p>	The Consultation and Cooperation (C&C) Agreement is beyond NMED’s purview as NMED is not a party to this agreement. The New Mexico Hazardous Waste Act, and its corresponding regulations, are completely silent on the C&C Agreement. They do not grant NMED the authority or the responsibility to investigate or enforce DOE’s commitments under the C&C Agreement during a permit renewal proceeding.
R30 Pit Production	230425.28 230425.29 230425.30 230425.36 230425.39	Commenters mention pit production in terms of its effect on the WIPP facility and/or those facilities that send waste to WIPP. Many mention pit production in the context of being outside the scope of the original Permit and link it with unwanted changes in the capacity and	Waste destined for WIPP must be reviewed and approved through a certified program and all waste streams must meet the Permit Waste Acceptance Criteria (WAC) and Waste Analysis Plan (WAP). Other

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
	230425.145 230425.164 230425.206 230425.223 230425.226 230425.230 230425.231 230425.232 230425.242 230425.245 230425.246 230425.248	longevity of WIPP. Others state that in the face of the Federal government’s decision regarding the upgrading of the United States’ nuclear arsenal, WIPP is the logical and crucial site for disposal of the resulting waste.	considerations around pit production are beyond NMED’s purview.
R31 Suspension of Shipments	230425.10 230425.13 230425.14 230425.16 230425.18 230425.141 230425.143 230425.144 230425.167 230425.206 230425.219 230425.224 230425.230 230425.231 230425.245 230425.246	<p>Commenters mention suspension of waste shipments to WIPP in the context of language added to the Draft Permit. Submissions include form letters from commenters who are both for and against the addition of this language.</p> <p>Some in this category state this addition is unreasonable and damaging to the goal of cleaning up the nuclear complex. Commenter Volpato references a letter written by Roger Nelson, which states, “...the provision would require WIPP to suspend shipments from other generator sites until LANL shipments resumed. This is tantamount to trading lessened hypothetical risk to New Mexico stakeholders for greater risk to other states where TRU mixed waste is being stored and packaged for disposal in WIPP. This is opposite the intent of RCRA.”</p> <p>Others state their support for the provisions. Commenter Smith states, “In the new Permit, NMED proposes to clearly define its ability to suspend waste shipments to WIPP if there is evidence of a threat to human health or the environment or any permit</p>	<p>NMED is clearly defining its ability to suspend waste shipments to the WIPP facility if there is evidence of a threat to human health or the environment or any Permit noncompliance. NMED is highlighting its right to suspend waste shipments to the WIPP facility associated with any allegations of Waste Analysis Plan (WAP) noncompliance as well.</p> <p>See Table 3 of this matrix for Permit citation of new requirement.</p>

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
		noncompliance... This gives NMED a stronger position to suspend shipments if something goes wrong.”	
R32 2014 Event	230425.01 230425.79 230425.190 230425.203 230425.218 230425.245 230425.256	<p>Commenters mention the 2014 fire and subsequent radiological release. Generally, these comments point to the possibility of unforeseen accidents.</p> <p>In addition, commenter Kovac refers to the nature of the release, “The 2014 release was neither a 1) surface contamination or an 2) accident. It was a radiologic release from a drum that was packed according to approved methods. It was not an accident because all procedures were followed. The Permittees must come up with a name for a third type of release.”</p>	During Negotiations, language was added recognizing the possible need for decontamination at closure due to the releases in February 2014.
R33 WIPP Waste Information System (WWIS)	230425.212 230425.245 230425.246 230425.247	<p>Commenters mention the WIPP Waste Information System (WWIS). Comments include requests for education, access, and timely release of data.</p> <p>Commenter Kovac states, “We request public education forums about the WIPP Waste Information System (WWIS)”</p> <p>Commenter Arends states, “CCNS urges full public access to WIPP Waste Information System (WWIS).”</p> <p>Commenter Hancock states, “There is no basis for such a delay in making the data public, since the data are entered into the WWIS immediately. Further, there are cases of significant public interest in the information and a two-week delay is inappropriate.”</p>	Shipment security prevents this data from being uploaded on a shorter schedule for public view. This is based on a security plan approved by the DOE Secretary.
R34 Panel 7 Waste Volumes	230425.245 230425.246	<p>Commenters mention Panel 7, referring to waste volumes:</p> <p>Commenter Kovac states, “Table 4.4.1 - VOC Room-Based Limits - is confusing and must be explained in</p>	Differences in Volatile Organic Compounds (VOC) limits for different Panels are due to differences in room dimensions. For example, Panel 8 room heights are around 3 feet taller due to the nature of the geology in that room.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
		<p>clearer terms. For instance, why do Panels 1-7, Panel 8, and Panels 11-12 all have different limits?”</p> <p>Commenter Hancock states, “The Renewal Draft Permit includes no amounts for Panel 7 Final CH TRU Mixed Waste Volume and Final LWA RH TRU Waste Volume... Subsequently, on March 24, 2023, NMED approved the Permittees’ proposed amounts... Presumably, the revised Draft Permit would include those amounts as well as other class 1 provisions that have been incorporated into the Permit, including the new co-permittee.”</p>	Panel 7 waste volume is included in the Final Permit.
<p>R35 In-House Class 3 PMRs</p>	230425.245	Commenter Hancock suggests that two long-standing PMR’s, for Concrete Overpack and modification of the Excluded Waste Provision, be withdrawn by the Permittees.	On August 2, 2023, NMED received official notification of withdrawal for the two referenced PMRs [AR 230803]. This was agreed to by the Permittees in the Settlement Agreement.
<p>R36 Inspections</p>	230425.246 230425.247	<p>Commenters mention inspection in reference to the removal of language in Section E1, Inspection Schedule, and to the timeframe for inspecting “instrumental” equipment.</p> <p>Commenter Kovac states, “We do not agree with the removal of the sentence in E-1:”, in reference to the following: “The equipment will be inspected for malfunctions, deterioration, potential for operator errors, and discharges which could lead to a release of hazardous waste constituents to the environment or pose a threat to human health.”</p>	Per the Settlement Agreement, the Final Permit retains the language in Section E-1.
<p>R37 PFAS</p>	230425.202 230425.246 230425.247	Commenters mention PFAS (Polyfluoroalkyl Substances), and the need for their regulation in the Permit.	NMED recognizes concerns regarding PFAS. These are not currently regulated under the Resource Conservation and Recovery Act (RCRA) regulations. However, the U. S. Environmental Protection Agency (EPA) is working on their promulgation.

NMED Response Number/ Topic Area	Commenter ID/AR #	Public Comment	NMED Response
R38 Facility Operations/ Management	230425.139 230425.152 230425.218 230425.247 230425.248	<p>Commenters mention concern regarding the management of the WIPP facility.</p> <p>Commenter Meaders states, "Any time extension would be limited to the time lost due to the explosion and clean up. This lost time was solely the result of the mishandling of the waste by LANL and not discovered by the contractor."</p> <p>Commenter Reade states, "It was this mismanagement that caused part of the Underground as well as the Exhaust Shaft to become contaminated after the 2014 explosion. It was also mismanagement that buried thousands of empty drums and closed panels when they were only partially filled in WIPP's earlier years."</p>	The capacity, and therefore timeframe, for WIPP operations is limited by the LWA capacity limit.
R39 Post-Closure Care	230425.166 230425.245 230425.246 230425.247	<p>Commenters mention post-closure care of the facility, pointing to post-closure references in the LWA, the C&C agreement and the initial Permit.</p> <p>Commenter Arends states, "CCNS believes the post-closure care period should be longer than 30 years due to so many possibilities, including continued oil and gas exploration and fracking in the area of the Permian Basin. Continuing monitoring of the site is required."</p>	NMED is retaining Permit language related to post-closure activities.
R40 Editorials/Issues with Language Added or Retained	230425.14 230425.245 230425.246 230425.247 230425.248	Commenters mention changes in various locations in the Draft Permit where certain words are changed and/or omitted.	NMED has added or deleted language for clarification purposes. In some cases, duplicative language has been removed. References have also been updated and, in other instances, regulations have been correctly referenced.

Table 3: Table of Provisions in the Draft Permit Changed in the Final Permit

Topic	Proposed Final Permit Part/Attachment	Proposed Final Permit Section	Changes Made as a Result of Settlement Agreement
Permit Revocation	Part 1	Section 1.3.1	This Permit condition now triggers a notice of revocation and reissuance if the Land Withdrawal Act (LWA) volumetric disposal limit for transuranic (TRU) waste of 6.2 million cubic feet at the WIPP facility is increased, or additional types of waste are authorized, by federal statute.
Permit Application Submittal Date	Part 1	Section 1.6	The most recent renewal application submittal date was corrected to March 2020.
New Requirements for the Duty to Reapply	Part 1	Section 1.7.3	The Permittees must begin the pre-application public participation process at least 360 days before the Permit expiration date; the Permittees must provide an inventory of TRU waste from the Department of Energy (DOE) complex, with a basis for how the quantities were estimated, to support a renewal application.
Safe Transport of TRU Mixed Waste	Part 1 Part 2	Section 1.7.7.1 Section 2.13	In Part 1, deleted Draft Permit language relating to safe transport of waste. In Part 2, added requirement that the Permittees must report non-compliances with federal Department of Transportation requirements to NMED.
Public Participation	Part 1	Section 1.15.2	The forums are now required three times per year rather than quarterly.
Generator Site Technical Reviews	Part 2 Attachment C6	Section 2.3.2.2 Section C6-4	In Part 2, changed the Generator Site Technical Review (GSTR) schedule to reflect new wording in Attachment C6, Section C6-4. In Attachment C6, changed the GSTR condition to include a requirement that the GSTR schedule must be approved by NMED annually.
Siting Another Repository	Part 2	Section 2.14.3	Details of documentation which may be included in the annual report summarizing DOE's progress toward siting another repository for transuranic

Topic	Proposed Final Permit Part/Attachment	Proposed Final Permit Section	Changes Made as a Result of Settlement Agreement
			waste in a state other than New Mexico have been added; the term “geologic” has been removed to provide flexibility in future repository siting.
Future Panels Must Be Requested in Renewal Application	Part 4	Section 4.1.1.2.iii	Future waste panels beyond Panels 11 and 12 must be requested in a renewal application, not through a Permit Modification Request. The application must include a description of the final facility footprint.
Prioritization and Risk Reduction of New Mexico Waste	Part 4	Section 4.2.1.4	The Permittees must certify that there is sufficient capacity in permitted waste panels for the emplacement of Los Alamos National Laboratory (LANL) stored (including buried) waste.
Legacy TRU Waste Disposal Plan	Part 4 Part 4	Table of Contents Section 4.2.1.5	Created a new Permit condition/section establishing the “Legacy TRU Waste Disposal Plan” which will both define “legacy TRU and TRU mixed waste” and be developed in consultation with generator/storage sites and stakeholders. To the extent practicable, Panel 12 shall be reserved for the disposal of legacy TRU mixed waste.
Laboratory Performance Evaluation Plan	Part 4 Attachment N	Section 4.6.2.1 Section N-5e	Deleted Permit language related to the Laboratory Performance Evaluation Plan (LPEP) because the Permittees have implemented a proficiency testing plan for laboratory analyses.
Closure	Part 6 Attachment G Attachment G Attachment H1	Section 6.5.2 Introduction Section G-1d Introduction	In Part 6, deleted impertinent language here because this section pertains to how the facility closes a HWDU, not the timeframe for closing the facility. In Attachment G and Attachment H1, added “unless a timely Renewal Application has been submitted and the requirements of Permit Part 1, Section 1.7.3 have been met .”
Closure Report	Part 6	Section 6.10.1	Added requirement for placing a panel’s Closure Report on the DOE WIPP Home Page.
Aisle Space	Attachment A1 Attachment A1	Section A1-1c(1) Section A1-1c(2)	Deleted “concrete” to allow flexibility in choice of barrier.

Topic	Proposed Final Permit Part/Attachment	Proposed Final Permit Section	Changes Made as a Result of Settlement Agreement
Root Cause Analysis	Attachment A1	Section A1-1d(2)	A report is required if the integrity of a shipping container is compromised and will be required reading; the report will be sent to generator/storage sites and the audit team.
Monitoring of Drilling Activities	Attachment A2	Section A2-5b(2)(a)	A summary annual report is required based on New Mexico Oil Conservation Division data.
Suspension of Waste Shipments	Attachment C	Section C-1d	Deleted repetitive language and changed "allegation" to "evidence."
WIPP Records	Attachment E	Section E-1	Retained Permit language.
Decontamination at Closure	Attachment G	Section G-1a(1) Section G-1e(2)(c)	Added language recognizing the possible need for decontamination at closure due to the releases in February 2014.

Table 4: Table of Editorials in Draft Permit Changed in the Final Permit

Topic	Proposed Final Permit Part/Attachment	Proposed Final Permit Section	Editorials*
Editorial	Part 2	Table of Contents	<i>NMED Editorial:</i> Updated title of Section 2.3.2.2 to include GSTRs.
Editorial	Part 2	Section 2.10.1.1	Changed "plant-based radios" to "facility radio base stations" to avoid confusion.
Editorial	Part 7	Section 7.2	Added "panel" for clarification.
Editorial	Attachment A	Section A-1	<i>NMED editorial:</i> Added the acronym " (SIMCO) ".
Editorial	Attachment A	Section A-4	Added closing parenthesis.
Editorial	Attachment A2	Section A2-2a(3)	Deleted a comma to prevent a fragmented sentence.
Editorial	Attachment A2	Section A2-2b	Added "and Panels 11 and 12."
Editorial	Attachment C	Section C-4a(3)	Made an acronym plural to match reference.
Editorial	Attachment C3	Section C3-4a	Consistency of language in the same sentence.
Editorial	Attachment C4	Section C4-C3g	Added an "s" to a verb because it refers to a singular noun.
Editorial	Attachment C6	Table C6-1 Checklist Item 24	<i>NMED editorial:</i> Changed the GSTR schedule to reflect new wording in Section C6-4; corrected section reference.
Editorial	Attachment D	Section D-6	Corrected figure reference.
Editorial	Attachment E	Section E-1a(3)	Excess language removed.

Editorial	Attachment E	Table E-1a	Removed incorrect inspection frequency from the "Procedure Number" column.
Editorial	Attachment E	Table E-1a, footnote c	Clarified language.
Editorial	Attachment E	Table E-1a, footnote d	Changed verbs to present tense.
Editorial	Attachment G3	Section G3-3b	Incorrect reference to a Part.
Editorial	Attachment N	Section N-1b	Deleted language remnant.
Editorial	All Parts		<i>NMED editorial:</i> Font has been changed in the Parts to be consistent with the font in the Attachments.
Formatting	All Parts		<i>NMED tech edit:</i> The final periods at the end of Section headings in the Parts have been removed.
Formatting	All Attachments		<i>NMED tech edit:</i> Line numbers have been removed from the Attachments to be consistent with the Parts.

*Editorials based on Permittees' April 18, 2023 Draft Permit Comment [AR 230425.163] as stated in the August 15, 2023 Public Notice, except for noted NMED editorials and technical edits.