



SOUTHWEST RESEARCH AND INFORMATION CENTER

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Rick Shean, Hazardous Waste Bureau Chief
New Mexico Environment Department (NMED)
2905 Rodeo Park Dr. E, Building 1
Santa Fe, NM 87505

June 28, 2022

via email

RE: WIPP Permit Renewal TID Response of June 27, 2022

Dear Mr. Shean:

Southwest Research and Information Center (SRIC) appreciates that a number of important issues were raised in the Technical Incompleteness Determination (TID) of May 17, 2022 regarding the WIPP Permit Renewal application. However, based on the Permittees' initial responses of June 27, 2022, there will continue to be incomplete information without additional NMED requests and the Department of Energy (DOE) more readily providing necessary information.

SRIC is especially concerned about the incomplete information and continuing delays in the permitting process, about which we've commented on numerous occasions beginning on March 8, 2019 (AR 190308) and April 15, 2019 (AR 190408).

Thus, SRIC requests that NMED immediately supplement the TID with at least one additional request regarding Final TRU Mixed Waste Volume. To not further delay the renewal process, the Permittees should be requested to respond by July 12, since DOE has the information readily available.

As you know, the WIPP Permit establishes Panel capacity based on TRU Mixed Waste Capacity and requires Final TRU Mixed Waste Volume to be reported for each panel. Table 4.1.1. The June 27, 2022 TID Response to Item #1 states:

The most recent ATWIR states the following:

Projected Beyond CY 2033 (~78,700 m³): WIPP-bound and potential TRU waste that is projected to be generated after CY 2033 up through CY 2083.

The ATWIR indicates that waste streams categorized as WIPP-bound will be generated up to 2070. Based on the potential category waste stream inventory estimates in the 2021 ATWIR, final facility closure could begin no earlier than CY 2083. at 2 of 11.

That ~78,700 m³ volume is calculated for the Final LWA TRU Waste Volume, so the answer is incomplete because it does not provide the calculated Final TRU Mixed Waste Volume.

Under the WIPP Permit, the Permittees must calculate both the TRU Mixed Waste and LWA TRU Waste volumes. DOE also should provide that complete data for the “Projected” waste, and also for the “WIPP bound” and “Potential” waste volumes included in the ATWIR. Such calculations for those three categories plus emplaced waste are especially relevant since the ATWIR further states: “The combination of these four categories of TRU waste volume estimates total approximately 201,000 m3.” at 44 of 424. Of course, that LWA Waste Volume far exceeds the 175,564 m3 legal limit and is much more above that limit calculated using the TRU Mixed Waste Volume.

SRIC and many members of the public are very concerned about the legal volume limits for WIPP being exceeded, as also was described by the 2020 National Academies of Sciences report.¹ Volume limits are also relevant to the WIPP closure date and the end of waste disposal operations. SRIC and many members of the public oppose extending the operating life of WIPP for many decades, which is not what has been previously included in the Permit or discussed in previous permit modifications, including when SRIC and others have wanted to discuss such concerns.

SRIC and many members of the public believe that the Permit and other state actions must make clear to DOE that it must begin now the serious planning and activities necessary to site another TRU waste repository, so that WIPP is not the only repository. This is an important issue in the Permit Renewal process. Other pending TID items reflect some of those concerns.

Thus, SRIC requests that NMED now request that DOE provide the Final TRU Mixed Waste Volume for “Projected,” “WIPP bound,” and “Potential” wastes in the ATWIR. Such an immediate request would also further notice the Permittees that NMED expects complete answers to remaining TID items. Such responses are important for NMED in preparing the Draft Permit and are necessary for the required public involvement in the Permit Renewal process.

Of course, SRIC welcomes further discussions with you and your staff about these important matters.

Thank you very much for your careful consideration.

Sincerely,



Don Hancock

cc: Chris Catechis, Ricardo Maestas, Megan McLean, David Biswell

¹<https://www.nap.edu/catalog/25593/review-of-the-department-of-energys-plans-for-disposal-of-surplus-plutonium-in-the-waste-isolation-pilot-plan> See Figure S-5 and pages 64-67, 77-79, 85-105.