

Kieling, John, NMENV

From: Joni Arends [jarends@nuclearactive.org]
Sent: Monday, October 24, 2011 2:30 PM
To: Kieling, John, NMENV; Pullen, Steve, NMENV; Marian Naranjo; Rhgilkeson@aol.com; penny mcmullen
Subject: Public Comments about Proposed TWF at LANL
Attachments: TWF PMR sign-on comments 10-24-11.pdf

Good afternoon John and Steve,
Please find attached the comments of CCNS, HOPE, Loretto Community and Robert H. Gilkeson about the proposed Transuranic Waste Facility at LANL. Please contact us with any comments or concerns you may have.

Best,
Joni

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October 24, 2011

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

John E. Kieling, Acting Hazardous Waste Bureau Chief
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Re: Request for NMED to Deny Permit Modification Request for Proposed
Transuranic Waste Facility at Los Alamos National Laboratory

Dear Mr. Kieling:

We, the below signed, are opposed to the proposed Transuranic Waste Facility (TWF) permit modification request (PMR) for Los Alamos National Laboratory (LANL) for the reasons detailed below. **We respectfully request that the New Mexico Environment Department (NMED) deny the permit modification request. If the NMED does not deny the permit modification request, then it should be a Class 3 permit modification request, which allows for additional public comment and opportunity to request a public hearing.** We note that when LANL submitted a similar request for a TRUWF in 2007, it was submitted as a Class 3 permit modification request. That request was withdrawn.

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

The proposed TRUWF could handle extremely large amounts of waste for several decades and become a *de facto* permanent TRU waste facility. The modification request states: “LANL must have a continuing capability to process transuranic (TRU) waste and to ship that waste to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.” TRUWF PMR, Pg. 1. The request does not discuss any other TRU waste disposal facility.

However, the modification request also states that the proposed facility could operate until at least 2046. *Id.*, p. E-7. The only disposal site for TRU waste is WIPP, which, pursuant to the NMED HWA permit, ceases operations by September of 2030. WIPP permit – Table I-1. Thus the proposed TRUWF facility would operate for 16 years after WIPP closes, which means that TRU waste would likely remain at LANL in perpetuity. The modification request describes no disposal facility for the TRU waste other than WIPP, and the Department of Energy (DOE) has made no plans for any other TRU repository. **NMED should, therefore, deny the permit modification request because**

there is no disposal site for the transuranic waste to be stored at the proposed TRUWF after WIPP closes in 2030.

Any TRUWF PMR must take into account the disposal, offsite of LANL, of any newly generated TRU waste after WIPP closes. We note that during both of the public meetings (August and September 2011) about the TRUWF PMR, the question was asked of the DOE/LANL about what will happen to the waste following the closure of WIPP in 2030. The public was told that the question was beyond the scope of the public meeting. We do not believe the question is beyond the scope of the PMR and that DOE/LANL must provide a detailed response about what will happen to the waste following the closure of WIPP in 2030 to NMED and the public.

2. The proposed TRUWF is for **future** waste to be generated by nuclear weapons research, development, and manufacturing at LANL. The proposed storage is 1,240 drums with a throughput of 1,500 drums per year. Six buildings would be constructed in order to minimize the special nuclear materials at risk, such as plutonium. According to the September 27, 2011 public meeting handouts, the proposed storage facility "is required to continue to process newly generated (future) TRU waste from LANL to the Waste Isolation Pilot Plant near Carlsbad, NM."

3. LANL must continue to focus on cleanup of legacy Cold War waste. The proposed TRUWF will not manage buried waste, which is contaminating soils and migrating to surface and ground water.

Further, given the past poor waste management practices at LANL - since 1999, LANL has sent 875 shipments of 10,067 shipments of TRU waste to WIPP, which is fewer than 10% of all of the shipments - we can anticipate that LANL will become a *de facto* TRU waste storage facility.

Further, DOE/LANL continue to put human health and the environment in harm's way. The fabric storage tents used for transuranic wastes at Area G have not been maintained; the fabric tents are ripped; the tents are open to the air and do not contain air monitoring equipment to determine releases of contaminants.

Two recent wildfires - the Cerro Grande and Las Conchas - have threatened the Technical Area 54, Area G disposal and storage area, human health and the environment. Both times fire fighting resources were devoted to protect the 40,000 plus drums (and drum equivalents) of transuranic waste to the detriment of the Rio Grande watershed. Recovery has been slow and will be a lengthy process that could take decades, if not centuries.

We note that since the 1996 Dome fire the public has requested that DOE/LANL build robust, Hardened On-Site Storage (HOSS) for transuranic waste. This PMR is for metal storage sheds - not robust HOSS. For that reason alone, the PMR should be denied.

If requested, we would be pleased to provide additional information about the HOSS.

4. The basis for the Class 2 designation of the PMR is unclear. We ask the following:

http://edocket.access.gpo.gov/cfr_2002/julqtr/pdf/40cfr270.42.pdf

This submittal is being transmitted as a Class 2 permit modification request according to 40 CFR §270.42, Appendix I, F.l.b, which states that "Modification or addition of container units: ... resulting in up to 25% increase in the facility's container storage capacity ... " is a Class 2. The definition of "facility" is included in Section 1.8 of the Permit. The storage capacity requested for the TWF represents 15.6% of the container storage capacity listed in Table J-1, *Active Portion of the Facility*, of the Permit, excluding the container storage units at Area G.

Is the 15.6% compared to the 1500 m³ per year or what? The information provided for the basis at the August public meeting is different than at the September public meeting. NMED must require DOE/LANL to state the number actually used from Table J-1.

5. The PMR must describe more fully the contaminants of concern at the TA-63 SWMUs. The PMR takes a cursory look at the contaminants found over a decade ago and in 2004 at the TA-63 SWMUs. The SWMUs are two inactive septic systems, with associated seepage pits (4 ft in diameter and 50 ft deep) and drain lines. *Id.*, p. 51. Plutonium, lithium, molybdenum, nitrate, nitrite, xylene, di-n-butylphthalate, benzo(a)anthracene, and strontium have been found in the SWMUs. *Id.* Updated sampling must be done to determine, if the proposal goes forward, potential for workers to be harmed. It is unknown at this time if the plumes have moved.

6. Attachment B. Storage Building Floor Coating. Unfortunately the schedule for the maintenance of the floor coating was not included in the attachment. If the proposal goes forward, DOE/LANL must provide that information and any draft NMED permit modification must include the maintenance schedule as a permit condition.

7. Attachment D. Seismic Report for TA-63 Transuranic Waste Facility. The report does not cite important LANL reports that indicate that the north-south Guaje Mountain Fault could run either west or east of TA-63, besides the 1993 Woodward-Clyde Federal Services Figure 4.

Any facility handling or storing special nuclear materials, including TRU wastes, must be designed for a minimum 8.0 magnitude earthquake. What is the design basis for the proposed TWF? The PMR should include current map(s) of inferred buried faults at LANL. We will provide additional comments about the seismic issues soon.

8. Attachment F. TA-63 Transuranic Waste Facility Closure Plan. If the proposed TRUWF is built, the closure standards must be more robust than for those units already found in the HWA permit for LANL. Many of those units have been “grandfathered” in, resulting in less robust closure requirements.

If the proposed TRUWF goes forward, the closure requirement must include cleaning the entire walls and ceiling, light fixtures, conduits, etc. The entire permitted unit must be cleaned, inside and out.

We find that the proposed closure plan does cite RCRA, but does not cite the HWA or particular portions of the permit. It should.

Section 5.3.1. Decontamination of Equipment. This section should require that all equipment be decontaminated before it is removed from the TWF.

What happens if the base course is thicker than 6 inches?

Section 6.1. Alternative Closure Requirements. We object to the use of alternative closure requirements because NMED has not provided proper notice to the public as required by RCRA and the HWA regulations.

Section 7.1. Decontamination Verification. We object to allowing “one wipe sample from each piece of decontaminated equipment related to the permitted unit ... for decontamination verification.” That is not enough; more robust requirements are needed in order to protect human health and the environment.

We reemphasize our comment above: The entire permitted unit must be cleaned, inside and out.

We question how the Permittees have addressed climate change, particularly with respect to the drainage at the proposed TWF.

It is not enough to sample the parking lot, which is not included in the grid.

Where are the concrete curbing and the concrete and rock drainage structure on the maps? p. 11.

How will the Permittees demonstrate to NMED that the “wash medium can be shown to provide sufficient decontamination of the compounds, the decontamination will be reduced to one time”? p. 12.

Section 7.2.1. Liquid Sampling. What is the technical basis for “pouring liquids into sample container”? p. 12.

Section 7.4. Sample Analysis Requirements. Table 5 should also include the standards to ensure that the target detection limits are below the standards. p. 24.

Section 7.4.1. Analytical Laboratory Requirements. Are the analytical laboratories required to meet the DOE Order requirements for QA/QA?

Section 9.0. Closure Certification Report. Where is the closure data posted? Is closure data currently posted on RACER? If so, how is it distinguished from other types of environmental data?

Table 1. What is the source of 11,367 estimated maximum waste (gallons)?

Figure F-2. TWF Soil Sampling Grid. It should include the Building Numbers. Loading/Unloading Samples should be expanded.

9. Attachment G. Proposed Revisions to LANL HWFP. No. (8) should say "August 2011" for the TA-63 PMR. P. 13.

Section 3.15. Why does the description only cite hazardous waste and not mixed hazardous waste? P. 13.

Section A.6. TA-63 TWF Unit. Second sentence: why is the TWF described as a "waste management unit" and not a "hazardous waste management unit"?

The proposed language states, "no remote-handled TRU waste will be stored at the TWF." P. 36. Will shielded containers with RH TRU be allowed at the TRUWF? This needs to be specifically prohibited.

What will happen if there are exceedances found in the retention basin? P. 36.

How many calibration sources will be allowed in the small storage building? Will they be sealed sources? What restrictions will be place on the calibration sources?

Section A.6.1. What is the maximum amount of radioactive materials that may be stored in an individual storage building? This section states "multiple buildings are being proposed to minimize the radioactive material content at individual storage buildings and to reduce the potential impact from accidents relative to a single larger building." What is the technical basis for the statement? DOE/LANL should provide reports documenting the statement.

What type of pallets will be used? Metal? Wood? The permit language should be specific.

This section should include the manufacturer's specifications for maintenance of the floor coatings.

Section A.6.4. Characterization Trailers. What type of air monitoring will be done in the mobile modified commercial trailers? Will the trailers have to meet the Clean Air Act Radionuclide NESHAPs? 40 CFR 61, Subpart H.

Section A.6.5. Loading/Unloading Canopy. Where will the water flow to from the roof?

Section A.6.6. Retention Basin. Is there a map of the release site to the east side of the TWF?

What will happen if there is a fire in the southern half of the unit? P. 40.

Section A.6.8. Security and Access Control. Signs need to be in Tewa as well.

Attachment J. Why are the proposed units outdoor units? Aren't they indoor units?

10. Additional Questions.

Was a traffic analysis done for the proposed TWF? The current design appears to be an accident waiting to happen - especially with the waste characterization trailers in the center of the proposed unit.

How many D/Des are currently at Area G?

How many drums would have gone to the TRUWF this year, if it were online?

How many freshly generated drums were shipped to WIPP in FY2011? What is the schedule for FY2012?

In conclusion, we do not want any more waste storage at LANL. The record is clear: LANL waste storage threatens human health and the environment. Please deny the permit modification request for the proposed Transuranic Waste Facility at LANL. If the permit modification request is approved, it must be a Class 3 modification that allows for public comment and the opportunity to request a public hearing. In that case, we request a public hearing.

Sincerely,

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