

LANL Hazardous Waste Facility Permit Hearing

Public Comment

April 23, 2010

Sir, I thank you for the opportunity to make public comment.

Credentials

I am Dr. Dennis J. Erickson. My comments today are entirely my own. I support the draft LANL HWFP issued by NMED with one important exception, that being the denial of permitted provisions for open burning units at TA-16-388 & 399. These units provide the long-standing, on-site means for safe, compliant, and effective means to dispose of certain kinds of HE waste and waste contaminated by HE. I, therefore, focus my comments on this one exception and provide justification for reinstating permit provisions for these open burn units.

My comments are those of a New Mexico citizen and a resident of the incorporated County/Municipality of Los Alamos for more than 38 years. These comments are also provided from an unusual blend of expertise and working knowledge. Four years ago, I retired as a member of the Los Alamos National Laboratory and an employee of the University of California following a career spanning some 35 years of national service. In the late 1980s, I served as deputy and subsequently the division leader for Dynamic Testing, which was the organization responsible for operations and facilities involving local testing with explosives, HE R&D, and emerging technologies employing explosives. I then spent several years as the deputy associate director for Nuclear Weapons Technology, the Laboratory's major mission program. That assignment provided broader context for the importance of HE R&D for stockpile stewardship and emerging programs involving HE. Then, in 1993, I served eight years as the director and institutional executive/manager for environment, safety, and health. In this capacity, I had responsibility for environmental protection, worker safety and health, and public safety and health. It is perhaps ironic that during my term as ES&H director, I was the Laboratory signatory on facility specific permit-renewal applications that are included in the draft Hazardous Waste permit. The irony is not that I signed the applications, but that I did so more than a decade ago in 1999/2000.

Three Reasons for Reinstating Permit Provisions for the Open Burn Units

1. I submit that responsible regulatory processes require an objective basis for denying existing and long-standing operations. Since there is no objective standards-based evidence as to the operational risk presented by the continued use of these units to the safety & health of Laboratory workers, to the safety & health of the public beginning with the residents of Los Alamos County and moving out into the communities of Northern New Mexico, or to the safety & health of the



environment, either on the Laboratory site or offsite, there would seem in this instance no quantifiable basis for NMEDs intent to deny these permit provisions.

2. I submit that the loss of these burn units would unnecessarily and irresponsibly compromise an R&D capability critical to national security, that being LANL as an international center-of-excellence for HE R&D and for technology advances involving explosives. As the Laboratory has testified, certain mission-based efforts involving HE, including present efforts which focus on counterterrorism and proliferation, depend on the burn units for disposal of explosives waste. Whereas critics postulate that other means are available for explosives waste disposal assuming LANLs desire to continue such research, I commend to you a recent study that suggests otherwise. The study concerned the transfer or closure of Site 300 at LLNL.

This study contains a comprehensive analysis as to the merits of options given an assumed closure of Site 300 burn units similar to those operated by LANL. The study was conducted by TechSource using a team in which I participated and chaired. TechSource is a small company employing retired national laboratory and NNSA experts. It is recognized by the federal government for its objective and comprehensive analyses of national security issues, especially those related to the weapons complex. The study, submitted to DOE/NNSA in September 2008, was done in the context of evaluating preferred alternatives in NNSAs draft Complex Transformation Supplemental Programmatic EIS. After assessing the full range of disposal options, the TechSource team concluded that desired continuation of LLNLs "HE R&D excellence depends on the retention of specific support capabilities at Site 300, especially those for HE waste treatment (i.e. disposal) and storage." Translating, closure of the Site 300 waste treatment capability would lead to a demise of the LLNL HE R&D capability in that there were no safer, effective, sustainable, affordable, or permitted options to on-site disposal of explosives waste. I submit that such would be the case for the LANL emerging mission programs if the permit provisions for the burn units were not to be reinstated.

I further believe that this issue would become a moral dilemma for the State of New Mexico. Following through on the NMED intended action to deny operation of the open burn units would sideline LANL world-class researchers in the current national imperative to find technical means to detect and defeat IEDs at a safe distance. We all know that such devices continue to kill and maim American soldiers and those of our US allies. Denying participation in this quest to save lives and disabling injuries without objective reason is, in my judgment, unconscionable.

3. Finally, I submit that denial of permit provisions for the open burn units at LANL on what appears to be a purely subjective and arbitrary basis would compromise New Mexico's regulatory responsibility and integrity. The lack of objectivity in this situation is dismaying and inconsistent with expectations for fair, defensible,

and transparent regulation. Having served on loan from the Laboratory as Governor Richardson's science policy advisor early in his administration, I have great admiration for the Governor and his accomplishments. Following through on NMEDs intent in this regard will, I am sad to contemplate, not be viewed as a positive accomplishment of this administration for the reasons I have stated and for many other reasons entered into the record by many others.

Recommendation

Given the intent of NMED deny permitted provisions for the open burning units at TA-16-388 & 399; and given the lack of objective-based and quantifiable risk to workers, the public, and the environment to support the intent; and given the consequential negative and unconscionable impact that such intent would have on near-term and long-term national means involving HE RD&T; and given the associated negative impact such intent if implemented would have on the need for fair and objective regulation in the State of New Mexico; I recommend reinstatement of said permit provisions in the draft LANL Hazardous Waste Facility Permit and further recommend upon reinstatement its speedy issuance to conclude 12 years of processing.

In the spirit of integrity,

Thank you Sir.

**INDEPENDENT FEASIBILITY ASSESSMENT
FOR
TRANSFER OR CLOSURE OF LLNL SITE 300**



PREPARED FOR THE U.S. DEPARTMENT OF ENERGY
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