

From: [Joni Arends](#)
To: [Briley, Siona, ENV](#); [Dhawan, Neelam, ENV](#)
Subject: [EXTERNAL] CCNS Comments about Rev. 33 of LANL STP
Date: Monday, July 24, 2023 11:15:25 PM

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Concerned Citizens for Nuclear Safety

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July 24, 2023

By email: neelam.dhawan@env.nm.gov and siona.briley@env.nm.gov

Ms. Neelam Dhawan and Ms. Siona Briley
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive, Building 1
Santa Fe, NM 87505-6303

Re: Public Comments concerning Public Notice No. 23-05
Proposed Revision 33.0 of the Site Treatment Plan Federal Facility
Compliance Order (FFCO), 2022 Annual Site Treatment Plan Update
for Los Alamos National Laboratory
Require Respondents to Submit a Class 3 PMR for Venting FTWCs

Dear Ms. Dhawan and Ms. Briley:

Concerned Citizens for Nuclear Safety (CCNS) provides the following comments about the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) intent to approve the above-referenced document, prepared by the Respondents. N3B-2023-0093, March 2023. The Respondents are: U.S. Department of Energy (DOE) Office of Environmental Management – Los Alamos Field Office (EM-LA), Newport News Nuclear BWXT-Los Alamos, LLC (N3B), DOE National Nuclear Security

Administration (NNSA) Los Alamos Field Office (NA-LA), and Triad National Security, LLC (Triad).

CCNS remains concerned about the LA-W934, High Activity Waste Stream. It includes four flanged tritium waste containers (FTWCs) with molecular sieves and squib assemblies contaminated with lead and tritium, and a fifth container composed of tritium traps with mercury contamination. p. 10.

Procedurally, we understand the Environmental Protection Agency (EPA) Region 6 is reviewing the Respondents' application to vent over 100,000 curies of tritium from the five containers into the atmosphere.

If EPA approves the application, the Respondents will rely on their three plus year old Request for a Temporary Authorization (LA-UR-20-22103) (TA) submitted to NMED on March 9, 2020.

In both regulatory cases, frontline communities have requested the Respondents' analyses of alternatives to venting. The Respondents have refused to provide the analyses to the public.

Given the frontline communities' concerns about the proposed venting of over 100,000 curies of tritium into the atmosphere resulting in possible exceedances of the 10 mrem/year Clean Air Act radionuclide standard, CCNS urges NMED to reject the TA application. 40 C.F.R. 61, Subpart H. Further, it is unclear whether the Respondents could complete the work under a 180-day TA.

Further, the public's negative experience with NMED approval of the TA for construction of the ventilation shaft at the Waste Isolation Pilot Plant (WIPP), which still remains under construction nearly three years later, the use of a TA for Department of Energy (DOE) facilities in New Mexico does not work to protect human health and the environment. The WIPP Applicants clearly demonstrated that they did not provide the public with their full plan. 40 C.F.R. 270.42(e)(2)(ii). Is it a ventilation shaft or a utility shaft? And it is curious that those of us on the NMED WIPP Facility Mail List did not receive a notice about the TA request from WIPP Applicants. 40 C.F.R. §270.42(e)(2)(iii).

Further, the TA regulations allow the NMED Secretary to grant a TA **without** prior public notice and comment. 40 C.F.R. § 270.42(e)(1). NMED has a responsibility to keep frontline communities informed about every step in the Respondents' plans.

One way to keep the frontline communities informed would be for NMED to require the LANL Respondents to submit a Class 3 permit modification request (PMR) for the proposed venting activities. A Class 3 PMR provides protections for full public participation, transparent public notification requirements, opportunity to provide informed public comments, to request a public hearing, and to cross-examine the Respondents about their alternatives analyses, among others. 40 C.F.R. §270.42(c).

Thank you for your careful consideration of our comments. Please contact me with any questions or comments.

Sincerely,

Joni Arends, Executive Director
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