

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|--------------------------------|--|---|--------|
| 1 | General | SRIC appreciates that the permittees provided a draft request and held a pre-application meeting on March 14, 2013 that included telephone conferencing through which SRIC participated. As SRIC has stated repeatedly with such meetings on proposed Waste Isolation Pilot Plant (WIPP) modification requests, SRIC believes that such pre-submittal meetings are useful and supports continuing that “standard” practice in the future. SRIC also appreciates that the permittees state that the request: “incorporates changes to address informal comments made during the pre-submittal meeting on March 14, 2013 from the public and NMED-HWB on March 18, 2013.” Enclosure 1, page 2. | Comment noted. The Department agrees that providing draft permit modification requests (PMRs) is a good practice and encourages the Permittees to continue this practice with future PMRs. | N/A |
| 2 | General | SRIC supports the decision to withdraw the May 2 version and re-submit the request to comply with public notice requirements. SRIC also notes and appreciates receiving the powerpoint slides used at the July 31 public meeting and also receiving further information in two phone calls; one on August 20 with Mark Haagenstad and Luciana Vigil-Holterman and the second on August 22 with Scott Miller, Mark Haagenstad, and Luciana Vigil-Holterman. SRIC’s basic comments on the request were also conveyed on those phone calls. | Comment noted. The Department encourages the Permittees to continue working with stakeholders to increase public participation. | N/A |
| 3 | 3.12.1 A.4.3.2 Table J-1 | <p>SRIC believes that the permittees have sufficiently complied with the requirements of 20.NMAC 4.1.900 (incorporating 40 CFR §270.42(b)) that NMED may approve the class 2 modification request, with changes, as allowed by 40 CFR §270.42(b)(6)(i)(A).</p> <p>The changes are required because of some deficiencies in the request, especially related to what capacity is needed at the Outdoor Unit and what are the “safety basis requirements.”</p> | <p>Comment noted. The Department is approving the PMR with modifications as allowed by 40 CFR §270.42(b)(6)(i)(A).</p> <p>See the Department’s response regarding “Excess Storage Capacity” in the document titled General Response to Comments.</p> | Yes |
| 4 | General | First, 20.NMAC 4.1.900 (incorporating 40 CFR §270.42(b)(1)(iii)) requires that the request explain why the modification is needed. The request seeks to explain the need for increased storage capacity at both the Indoor and Outdoor Units in the cover letter, and in Enclosure 1, Section II. However, the request does not adequately justify the specific increased amounts. The Indoor Unit capacity would be increased from 3,740 gallons (or 68 55-gallon drum | Comment noted. See the Department’s response regarding “ Purpose and Necessity for the Permit Modification Request ” in | N/A |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|----------|---|--|--------|
| | | equivalents [DE]) to 4,950 gallons (90 DE), an approximately 33 percent increase. The Outdoor Unit capacity would be increased from 7,920 gallons (144 DE) to 42,570 gallons (774 DE), an approximately 438 percent increase. | the document titled General Response to Comments. | |
| 5 | General | TA-54, Building 38, West (RANT) is for transuranic (solid) waste stored in 55-gallon drums or Standard Waste Boxes (SWB) and shipped primarily in TRUPACT-II containers, which provide maximum capacities. Thus, SRIC believes that changes approved should also be understood using such measurements to be more consistent with actual practice. As regards the Indoor Unit, which has total square footage of 4,560 square feet, the proposed increase would allow storage of 90 55-gallon drums (six full TRUPACT-IIs, plus six drums) or twelve SWBs (six full TRUPACT-IIs). Based on the phone conversations, SRIC understands that using one crane allows two TRUPACT-IIs to be loaded at one time on one trailer. A third TRUPACT-II can then be loaded, so that one full trailer can be processed at a time in the High Bay. The stated reason given on the phone calls for having the equivalent of three more TRUPACT-IIs of waste storage capacity in the Low Bay is so that during inclement winter weather waste containers can be managed so that a second trailer can be loaded more quickly in the High Bay from the waste prepared in the Low Bay. SRIC notes that rationale is not stated in the request, but the justification is sufficient to approve the capacity increase in the Indoor Storage Unit. | Comment noted. The Department is approving the capacity for the Indoor Unit as requested in the PMR. | No |
| 6 | General | As regards the Outdoor Unit, which is 37,900 square feet, the request would allow 55 TRUPACT-IIs of 55-gallon drums or 52 TRUPACT-IIs of SWBs. At seven shipments per week, that is more than two and a half weeks worth of shipments being stored in the Unit. Such a large amount of storage is not adequately justified in the request. Nor is SRIC satisfied that it is needed for any kind of major problem in Area G that would preclude moving waste to RANT for such a significant period of time, which is the reason for the large increase stated on the phone calls. Further, the entire fleet of WIPP TRUPACT-IIs numbers 84, and there is no basis provided in the request and no reason to believe that more than 60 percent of the fleet could be at RANT at any one time. On the August 22 call, Scott Miller acknowledged that number of TRUPACT-IIs would never be at RANT. Even though waste containers need not be stored in TRUPACT-IIs, the full amount of the proposed capacity increase in the Outdoor Unit | Comment noted. See the Department's response regarding " Purpose and Necessity for the Permit Modification Request " in the document titled General Response to Comments. | N/A |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|-----------|--|---|--------|
| | | <p>has not been justified.</p> <p>As to the justified increase, the need for the RANT expanded capacity relates to meeting the requirements of the Framework Agreement and the 3706 Campaign. As of October 1, 2013, the amount of waste remaining in the 3706 Campaign should be no more than 1,106 cubic meters. That amount is less than 150 shipments during nine months, or an average of about five shipments per week, even taking into account the WIPP winter maintenance outage. When almost 1,800 cubic meters of Area G waste is being handled in the 12 months of Federal Fiscal Year 2013 (that also included the WIPP maintenance outage) without the RANT capacity expansion, the significantly lesser amount of waste remaining can be handled with some RANT expansion less than the maximum requested. Certainly, to accomplish seven shipments per week during the 3706 Campaign, there would be no situation in which several weeks worth of TRUPACT-IIs would be at LANL. As another comparison, the Parking Area Unit (PAU) at WIPP is 137,050 square feet and has a maximum capacity of 50 TRUPACT-IIs. Thus, the WIPP PAU has more than 3.5 times larger area than the RANT, but is limited to slightly fewer TRUPACT-IIs than proposed for the RANT Outdoor Unit.</p> | | |
| 7 | Table J-1 | <p>Thus, SRIC does not support increasing the Outdoor Unit to 42,570 gallons (774 DE), because the need for such a large increase has not been justified. Instead, SRIC suggests an increase to 27,720 gallons (504 DE), which would provide enough storage for the equivalent of 36 TRUPACT-IIs with 55-gallon drums. Along with the 6 TRUPACT-IIs of DEs that can be stored in the Indoor Unit, RANT could store 42 TRUPACT-IIs-worth of waste at any one time or 32,670 gallons. That quantity accommodates shipments for two weeks at 7 shipments per week and almost three weeks of shipments at 5 shipments per week. That increase amounts to a 250% increase in the capacity in the Outdoor Unit. Such a large amount of storage should be more than sufficient for foreseeable circumstances and is a reasonable, justifiable increase.</p> <p>There are other reasons that suggested amount is reasonable. While the suggested amount is a somewhat more intensive use of the Outdoor Area than provided in the WIPP PAU, it is substantially less than proposed in the request. Those quantities suggested by SRIC also are slightly higher than the specific calculations included in the request in Enclosure 1, page 8. Therefore, those quantities are fully consistent with, and more generous than, calculated amounts included in the request. Thus, the SRIC suggested amounts appear reasonable.</p> | <p>Comment noted. See the Department's response regarding "Purpose and Necessity for the Permit Modification Request" in the document titled General Response to Comments.</p> | Yes |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|--------------------------------|--|---|--------|
| 8 | 3.12.1 A.4.3.2 Table J-1 | <p>Only if NMED believes that additional “flexibility” should be provided, up to the requested 42,570 gallons (774 DE), would SRIC suggest that the additional 14,850 gallons (270 DE) (42,570 gallons – 27,720 gallons) could be allowed as “surge storage,” somewhat similar to what is provided in the WIPP Permit Section 3.1.2.3 and Table 3.1.2. SRIC does not believe that such storage is justified or would ever be required, just as the WIPP surge storage has not been used during the seven years the provision has been in effect. Consequently, SRIC does not support such surge storage at LANL, since it is not needed and has not been justified. But if NMED seeks to provide the full amount of requested Outdoor Storage capacity, such a provision, as in the WIPP Permit, would allow LANL to use the storage and require notification and justification to NMED, as is done in WIPP Permit Section 3.1.2.4. That notification and justification should also provided to the e-mail list, as provided in LANL Permit Section 1.13. SRIC suggested the “surge storage” option on the August 22 telephone call with LANS officials.</p> | <p>Comment noted. The Department is approving the PMR with modifications as allowed by 40 CFR §270.42(b)(6)(i)(A).</p> <p>See the Department’s response regarding “Excess Storage Capacity” in the document titled General Response to Comments.</p> | Yes |
| 9 | General | <p>Second, the capacity expansions are stated to allow “the maximum quantity of waste that could physically be stored at the unit within safety basis requirement limitations.” However, the request includes no further detail and no citation to documentation regarding those limitations. Thus, the margins of safety allowed are not described, nor is the technical basis demonstrated for such limitations. Such lack of detail and absence of supporting documentation is totally insufficient to support the proposed large capacity increases, especially in the Outdoor Unit. Allowing the “maximum quantity of waste” provides less safety margin than a lesser amount. The lesser capacity limit in the Outdoor Unit, suggested by SRIC, would apparently provide more protection of public health and the environment, as compared with the “maximum quantity.” In the two telephone calls, SRIC requested receiving the TA 54, Building 38 West safety basis documents, but they have not been provided. Mere assertions as to meeting “safety basis requirements” are not sufficient justification for the requested expansion amounts. In future requests, LANL must provide such reference documents as part of its justification.</p> | <p>Comment noted. See the Department’s response regarding “Protection of Human Health and the Environment” in the document titled General Response to Comments.</p> | No |
| 10 | General | <p>Third, SRIC further notes that other important statements in the request are not adequately supported.</p> | <p>Comment noted. See the Department’s response</p> | No |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|--|--|--|--------|
| | | <p>“Additionally, the overall level of risk from radionuclides at the units will not be increased as a result of this permit modification. The maximum quantity of radionuclides that can be present or reasonably anticipated at the permitted units in accordance with safety basis requirements will not be increased at the RANT facility to allow for an increase in the hazardous waste capacity.” Enclosure 1, page 10.</p> <p>That statement is, at best, misleading insofar as risk is concerned, and it appears to be inaccurate. The large capacity expansion proposed in the request would substantially increase the quantity of radionuclides that are present at any one time. Indeed, to allow more radionuclides and hazardous chemicals at RANT at any one time is precisely the purpose of the request – so that that mixed transuranic waste can be removed more quickly from LANL through RANT and to WIPP. Thus, the calculated risk from a larger amount of radionuclides and hazardous chemicals at TA-54-38 at any one time should be higher than the current risk assessment, unless it is deemed that there is no risk of any release under any circumstances. SRIC knows that there is risk from managing waste at RANT, and the request certainly has not provided any risk assessment, let alone one that shows no risk or no increased risk from having more mixed waste at the site at any one time.</p> | <p>regarding “Protection of Human Health and the Environment” in the document titled General Response to Comments.</p> | |
| 11 | General | <p>The permittees apparently believe that no additional waste would go through RANT during its lifetime, which may be true. The permittees presumably believe that the safety basis provides sufficient margin so that public health and the environment is not increasingly endangered. But, again, the permittees have not provided documentation of the safety basis or otherwise demonstrated that there is no increased level of risk from the large capacity expansions proposed in the Outdoor Unit.</p> | <p>Comment noted. See the Department’s response regarding “Protection of Human Health and the Environment” in the document titled General Response to Comments.</p> | No |
| 12 | 3.12.1 A.4.3.2 Attachment B Table J-1 | <p>In summary, SRIC requests that the class 2 modification request be approved, with changes. The Indoor Unit Capacity would be allowed 4,950 gallons, as requested, which would be incorporated into Permit Attachment J. The Outdoor Pad capacity would be changed to 27,720 gallons, which would be incorporated into Attachment J. The total capacity of 32,670 gallons would be incorporated into the Revised Part A Application. If the new capacities change the estimated annual quantities of waste in Section 9 of the Part A, LANL should submit a further revised Part A to reflect such quantities.</p> | <p>Comment noted. The Department is approving the PMR with modifications as allowed by 40 CFR §270.42(b)(6)(i)(A).</p> | Yes |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|----------|---|---|--------|
| | | | See the Department's response regarding " Excess Storage Capacity " and " Part A Application " in the document titled General Response to Comments. | |
| 13 | General | <p>Appendix D of the May 2008 Final Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory, Los Alamos, New Mexico (SWEIS) lists the Radioassay and Nondestructive Testing Facility (RANT), which is also known as TA-54-38 West, as one of the facilities at Los Alamos that has the worst potential accident scenarios resulting in some of the highest risk to workers and members of the public. Table D-27 lists a "Lightning Strike Area Fire" at TA-54-38 as having the potential of releasing a 410-rem dose to a member of the public at the nearby (402 meters away) Pueblo boundary. The Table gives an estimate of 1,900-rem dose to a "noninvolved worker" who might be up to 100 meters away.</p> <p>A footnote of the Table clarifies that "Individual radiation doses in excess of a few hundred rem would result in acute (near-term) health effects or even death from causes other than cancer. In some cases, medical intervention may be effective in reducing the dose, mitigating health impacts, or both. The listed doses are calculated assuming that the exposed individual takes no protective action during the period of exposure and that no subsequent medical intervention occurs." (see Appendix D at http://nnsa.energy.gov/aboutus/ouoperations/generalcounsel/nepaoverview/nepa/lasonepa/nepasweis)</p> | Comment noted. See the Department's response regarding " Protection of Human Health and the Environment " in the document titled General Response to Comments. | No |
| 14 | General | This Permit Modification Request (PMR) proposes to increase the storage capacity of transuranic waste at two of the units of TA-54-38 by a total of up to four times. We understand that, in the complicated Department of Energy (DOE) regulatory environment, the New Mexico Environment Department (NMED) has no authority over radionuclides, but we take exception to the statement below from this Permit Modification Request (PMR): | Comment noted. See the Department's response regarding " Protection of Human Health and the Environment " in the document titled General | No |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|----------|---|---|--------|
| | | <p>Additionally, the overall level of risk from radionuclides at the units will not be increased as a result of this permit modification. The maximum quantity of radionuclides that can be present or reasonably anticipated at the permitted units in accordance with safety basis requirements will not be increased at the RANT facility to allow for an increase in the hazardous waste capacity. Although a greater number of hazardous waste containers will be stored at the units, all activities at the units must still be within the boundaries of the risk threshold. The risk associated with the storage of waste at the RANT facility must take into consideration the hazardous waste storage capacity at the units and the nuclear facility safety basis analysis that has identified the conditions, safe boundaries, and hazard controls necessary to protect the workers, the public, and the environment from adverse consequences from the work performed at the facility. (Pg. 10)</p> <p>We are unclear what the first sentence above means. Increasing the amount of nuclear waste stored at a facility has to increase the risk at that facility. Currently, the Permit allows for a certain amount of transuranic waste to be stored as it awaits shipment. This Permit modification allows for four times more of that waste to be stored there. That would increase the overall level of risk. If the language is implying that this proposed increase is “bounded” by some previous document, then that needs to be clearly explained. What is exactly meant by the term “risk threshold”? We know that (also from above) the “...risk associated with the storage of waste at the RANT facility must take into consideration the hazardous waste storage capacity...”, but will it? We are unclear what the last sentence is trying to say. Just because the Lab plans to follow its own Safety Basis and to follow DOE regulations does NOT mean that the risks do not increase when four times the amount of radioactive waste is stored at the facility.</p> <p>This PMR describes doubling the number of weekly shipments from five up to ten. This, in itself, is enough to increase the risks over a set period of time. Just because the Permit and this PMR may not cover radionuclides is no reason not to describe all the risks clearly.</p> | Response to Comments. | |
| 15 | General | Page two of this PMR stated, “No members of the public attended the meeting held on May 22, 2013.” On May 22, there was a Northern New Mexico Citizen’s Advisory Board (NNMCAB) bi-monthly meeting that kept us from attending the PMR public meeting. The next PMR public meeting was on July 31, which was the same night as the NNMCAB bi- | Comment noted. The Department encourages the Permittees to continue working with stakeholders | No |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|-----|--------------|--|--|--------|
| | | monthly meeting. This caused us to miss the end of the NNM CAB meeting. Please try to avoid scheduling meetings on the same nights as NNM CAB Meetings. | to increase public participation. | |
| 16 | General | <p>Page nine of this PMR states: Pajarito Road has an average daily traffic volume of 4,555 vehicles per day in the northwest portion of the corridor and 4,373 vehicles per day in the southeast portion of the corridor as measured in the traffic study. The study estimated that there would be approximately 100 dirt hauls per day and an additional 100 personal vehicles parked at the CMRR project site and that all 200 of these vehicles will access the project site via Pajarito Road.</p> <p>Please remove any references to the CMRR, which has been delayed for at least 4 more years, which is long after the 3706 Campaign will be over.</p> | Comment noted. The PMR adequately describes traffic patterns and volumes, as required by 40 CFR 270.14(b)(10). Removing references to traffic related to the CMRR would not have a significant impact on traffic patterns or volumes for the RANT. | No |
| 17 | Attachment B | <p>This transmittal letter and enclosure presents updated changes to Attachment B of the Permit, Part A Application, that reflect all revisions included in the amended Class 1 permit modification submitted in August 2013 (Amendment 12.0) and adds the changes to the form requested within the Class 2 permit modification request for the TA-54 West container storage units. Per a NMED-HWB request, these comments provide the most up-to-date Part A Application form for consideration as part of the Class 2 permit modification request. Specifically, Permit Attachment B, Part A Application, has been revised to include the increase in the operating capacities for both the TA-54- 38 West Indoor Unit and the TA-54-38 West Outdoor Pad. The process design capacity has. Been increased from 11,660 gallons (- 211 DE) to 47,520 gallons (864 DE) to reflect the proposed storage capacity for both of the permitted units at TA-54 West. The estimated annual quantity of waste for the EPA Part A Application form was also increased because the larger storage capacity requested will result in increases in the annual volume for individual EPA Hazardous Waste Numbers stored at the permitted units. Each of these quantities was increased by a factor of four to account for the capacity increase. All changes within the form have been highlighted in the enclosed document.</p> | Comment noted. See the Department's response regarding " Excess Storage Capacity " and " Part A Application " in the document titled General Response to Comments. | Yes |

Technical Area 54, Building 38, West
Class 2 Permit Modification Request
Response to Comments Matrix

| No. | Location | Comment | Response | Change |
|------------|-----------------|--|-----------------|---------------|
| | | Please accept this correspondence as comments to the Permittees' Class 2 permit modification request submitted on June 26, 2013. The updated Part A Application form represents a replacement for the Part A in Attachment 2 of the permit modification request. | | |