

**Amigos Bravos, Citizen Action New Mexico, Citizens for Alternatives to Radioactive Dumping, Concerned Citizens for Nuclear Safety, Dallas Peace and Justice Center – Nuclear Free World Committee, La Jicarita, Nuclear Information and Resource Service, Taoseños for Peaceful and Sustainable Futures, Tewa Women United, and The Peace Farm**

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April 2, 2020

By email: [Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)

Mr. Kevin Pierard, Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505

Re: Deny Withdrawal and Resubmittal of a Temporary Authorization Request for Waste Treatment, Storage, and Repackaging, Los Alamos National Laboratory Hazardous Waste Facility Permit, EPA ID No. NM0890010515

**Please note: This sign-on letter was written and agreed to by the undersigned prior to the Department of Energy’s April 1, 2020 email to the Hazardous Waste Bureau announcing the postponement of their plans.**

**Nevertheless, our concerns remain. We request that you Deny the Request, halt the releases, require a public process, and institute Government-to-Government consultation with the Pueblos.**

Dear Mr. Pierard:

The undersigned non-governmental organizations and individuals request a formal comment period and public hearing about the above-referenced March 9, 2020 “Request” application. Use of the word “Request” is inappropriate for what actually minimally constitutes a Class 2 Permit Modification Request to the Los Alamos National Laboratory (LANL) Hazardous Waste Permit. Several of the undersigned non-governmental organizations were parties to the public hearing process for the 2010 LANL Hazardous Waste Permit (HWP) renewal.

## INTRODUCTION

Given the growing public concern about the proposed venting of Tritium into the open air, a Class 3 Permit Modification Request would be more appropriate. The purpose of various levels of modification requests is to “expand public notification and participation opportunities.” 53 Federal Register 37912 at 37913 (September 28, 1988). That is why it should be considered as a permit modification requiring notice and opportunity for comment, which the Request does not mention.

Furthermore, the above Request proposes plans inconsistent with plans previously submitted to the Environmental Protection Agency (EPA) under the Clean Air Act (CAA) radioactive emissions standards. This Request plans to vent the headspace gas of four containers, called Flanged Tritium Waste Containers (FTWCs), which are located at TA-54 Area G, Building 1028. It is unclear whether treatment is allowed in Building 1028.

Further, the presence of “lead by-product from fired explosive actuators, or squibs,” which brings the proposed releases under the Hazardous Waste Permit, requires action by the Department.<sup>1</sup> We question why fired explosive actuators were stored in these containers in the first place.

The Request also does not specify or provide reference for the public as to what the expected release(s) from venting radioactive Tritium would be prior to the transport of the FTWCs to the Weapons Engineering Tritium Facility (WETF) at Technical Area 16 (TA-16).

When LANL issues a notice that can have health consequences for the off-site public, it is reasonable to expect a description of the potential amount of radiation release and health consequences rather than wordsmithing a modification as a “Request.” LANL’s CAA submittal estimates a maximum release of 20.2 millirem a year (mrem/yr.) – twice the 10-mrem/yr. CAA standard.<sup>2</sup>

**Untimely Request.** Critically, this Request for massive venting of Tritium comes at a time of great concern for the pandemic spread of the Corona virus and springtime gathering and planting. The Request does not describe a definitive amount of Tritium is anticipated being released from LANL. The range is between 6 mrem/yr. to 20.2 mrem/yr.

**No Alternatives Discussed.** The Request barely touches upon continuing safe storage to allow Tritium to decay without potential health consequences for the public. Further, safe

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<sup>1</sup> LANL Letter and Request to Mr. Kevin Pierard, Chief, Hazardous Waste Bureau, New Mexico Environment

<sup>2</sup> LANL Letter and Application to Mr. George P. Brozowski, Regional Health Physicist/Radon Coordinator, Multimedia Division, U.S. EPA, ESHID-603412, EPC-DO: 19-137, LA-UR-18-26283, May 17, 2019. Application, p. 9. <https://permalink.lanl.gov/object/tr?what=info:lanl-repo/epr/ESHID-603412>

storage is not described as an alternative that may be viable and more protective of public health and safety. Potential health consequences for the public are not evaluated.

**Deny the Request.** We urge you to deny the Request and allow the Tritium to decay into harmless helium, which it does at a rate of six percent (6%) per year. Given that the FTWCs were loaded in 2007 – thirteen years ago – it is estimated that 78 percent (13 years x 6%/yr. = 78%) of the Tritium has already disintegrated to helium – leaving an estimated 22% in the containers. The Request does not address a safe storage alternative.

**Unspecific and Delayed Monitoring Plan.** The monitoring of the Tritium release(s) would apparently take place after the release(s) and at other locations:

**Note that due to the potential hazardous conditions of the work site,** the venting and emissions monitoring systems will be designed using best practices, but commissioning tests on the system may be performed at a different LANL location or at Building 1028 after the FTWC mitigation is complete.<sup>3</sup> [Emphasis added.]

Post-operational air monitoring is unacceptable. The public needs to know the amount of the release(s) from each container in real-time.

The proposal as it stands could release an enormous amount of Tritium of 114,683 Curies into the public airspace allowing the maximum uncontrolled dose from this venting operation to be 20.2 mrem/yr. with no information as to the number of years. Further, the amount of reduction that would occur by the use of a “getter bed” is not known.

Since a getter bed is not a recognized emissions control system in 40 CFR 61 Appendix D, no official "controlled" emissions estimate and dose calculation is presented here. The controlled emissions estimate will be the same as uncontrolled emissions estimate ...<sup>4</sup>

In the May 17, 2019 submittal to EPA’s George Brozowski, Regional Health Physicists/Radon Coordinator, LANL stated they would remove “specific reference to a ‘getter bed’”

as an emission control system and an associated removal efficiency. While the project will use an emissions control system, the exact equipment to be used is still being determined. The project will use either a getter bed or molecular sieve system.<sup>5</sup>

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<sup>3</sup> Id., Application, p. 8.

<sup>4</sup> Id., Application, p. 10.

<sup>5</sup> Id., Letter, p. 2.

Nevertheless, LANL stated they would use “either a getter bed or molecular sieve system.” The two statements obviously conflict with one another. It is unknown what the emission control system will be for the release(s) that has the potential to exceed the federal CAA standards.

**No formal Emissions Management Plan.** The granting of this Request would not have an emissions management plan and would apparently be followed by other venting operations at LANL reported after the fact:

Due to the very short-term nature of this project, a formal Emissions Management Plan will not be developed per usual LANL procedure. Rather, upon completion of the venting activities, RadNESHAP personnel will evaluate effects of the venting and off-site dose consequence on other LANL operations. We will communicate the results of the venting operations to you either as part of the Notice of Actual Startup or via telephone and email.<sup>6</sup>

Because there are no plans for a formal Emissions Management Plan, the public will not have real-time access to the amount of Tritium and other radionuclides released into the open air.

**Safe Storage Alternative.** Although “unsafe conditions” are cited for the continued storage of the FTWCs, ostensibly due to the presence of hydrogen gas, the expected time that the contents of the FTWCs could remain contained or be enclosed in some additional containment is not discussed. The improvement of efficiency for a “getter bed” to prevent the release of Tritium to public air space and to achieve a calculated amount is not discussed.

**Public comment period and hearing.** A public comment period and public hearing should be provided on the Request. The New Mexico Environment Department must deny the Request and require DOE/LANL to submit a Class 3 permit modification request to include Area G, Building 1028 and the proposed plan.

## CONCLUSION

For the reasons detailed above, we urge you to deny the Request. Please provide an electronic response to all of the undersigned – all of which are opposed to LANL plans to begin venting on Friday, April 17, 2020.

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<sup>6</sup> Id.

Respectfully,

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