

SOUTHWEST RESEARCH AND INFORMATION CENTER

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Cabinet Secretary Sarah Cottrell Propst
Chair, Radioactive Waste Consultation Task Force
New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

October 4, 2021

Via email: Sarah.Propst@state.nm.us

RE: October 6, 2021 Task Force Meeting

Dear Cabinet Secretary Propst and Task Force Members,

Southwest Research and Information Center (SRIC) thanks you for having this meeting to update the Task Force and the public about the status of the Waste Isolation Pilot Plant (WIPP).

In light of the Task Force's role of negotiating on behalf of the State of New Mexico with the federal government, SRIC anticipates there will be some discussion and follow-up action regarding the Department of Energy (DOE) plans to physically expand WIPP and keep it open for at least 60 years more.

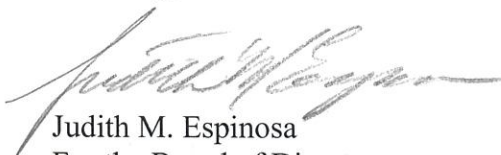
SRIC discussed those plans before the Radioactive and Hazardous Materials Committee on October 21, 2020 and July 14, 2021.ⁱ But we believe more State action is needed, because:

- National Academies of Sciences (NAS) findings that DOE's plans exceed the WIPP legal capacity limit and recommendations for engagement with the congressional delegations, state officials, and the public.ⁱⁱ
- Government Accountability Office (GAO) finding that DOE has calculated that WIPP needs nine additional panels,ⁱⁱⁱ more than doubling the underground capacity.
- DOE issued a Record of Decision stating that new plutonium pit production at the Savannah River Site would create waste to be disposed at WIPP until 2080.^{iv}

There is great public concern about such WIPP expansion and questions about what actions the State of New Mexico is taking in response, including under the Consultation and Cooperation Agreement. Attached are graphics from the NAS showing that DOE's plans will exceed WIPP's legal capacity and from the GAO depicting nine more panels.

Thank you for addressing these concerns and questions.

Sincerely,



Judith M. Espinosa
For the Board of Directors



Don Hancock
Nuclear Waste Program Director

NAS Graphic showing how DOE's plans exceed WIPP's legal capacity.

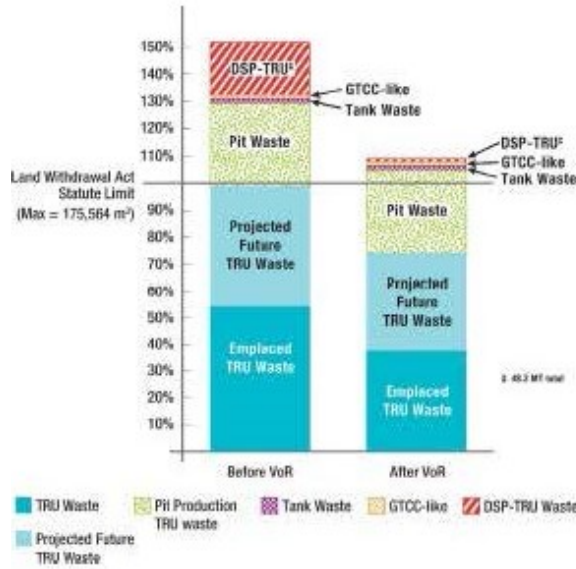
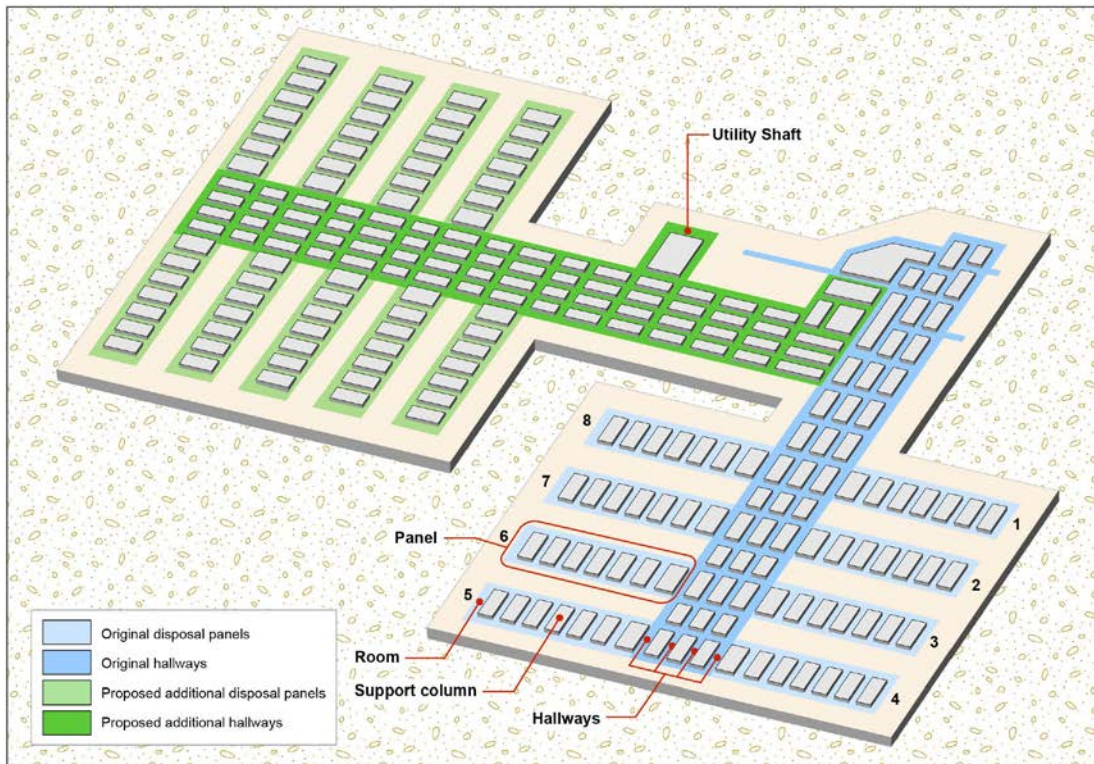


FIGURE S-5 DOE-reported emplaced and future transuranic wastes estimates (DOE-CBFO, 2018 a, 2019a) and additional wastes, identified by the committee. Additional wastes are: DSP-TRU, Greater-than-Class-C-like (GTCC-like) TRU wastes, tank wastes, and TRU waste generated from pit production. The graphs illustrate the impact of the Volume of Record (VoR) recalculation, in particular the large reduction in DSP-TRU waste volumes. Both graphs also show that the Land Withdrawal Act statutory limit is likely to be exceeded. DSP-TRU volumes have been subtracted from TRU waste estimates. See Table 3-2.

GAO Conceptual Design of Nine Additional Waste Disposal Panels.

Figure 4: Draft Conceptual Design for Additional Waste Disposal Physical Space at the Waste Isolation Pilot Plant (WIPP)



Source: GAO analysis of Department of Energy information. | GAO-21-48

Note: This figure does not include northern portions of the original WIPP underground area, which were mined during DOE's research and development phase for constructing WIPP, because these are not intended for use in transuranic waste disposal. A panel is an area in the underground area that consists of seven rooms where waste is disposed of.

ⁱ <https://www.nmlegis.gov/handouts/RHMC%20102120%20Item%202%20Statement%20of%20Don%20Hancock.pdf>; <https://nmlegis.gov/handouts/RHMC%20071421%20Item%202%20Southwest%20Research%20and%20Information%20Center.pdf>

ⁱⁱ <https://www.nap.edu/catalog/25593/review-of-the-department-of-energys-plans-for-disposal-of-surplus-plutonium-in-the-waste-isolation-pilot-plan>

ⁱⁱⁱ <https://www.gao.gov/products/gao-21-48>, at 18.

^{iv} <https://www.energy.gov/sites/default/files/2020/09/f79/final-eis-0541-srs-pit-production-summary-2020-09.pdf> at B-43. 85 Fed. Reg. 70601-04 (November 5, 2020). <https://www.energy.gov/nepa/downloads/doesis-0541-record-decision-november-2020>