

# Carlsbad Current-Argus

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## Feds back away from request for local inspections

Public comment cited as one reason for temporary withdrawal

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CARLSBAD — Federal officials temporarily withdraw a request for permission to inspect shipping containers for their content at the Waste Isolation Pilot Plant instead of where the shipments originate.

Citing public comment as one reason why the modification requests were withdrawn, Energy Department Field Office Manager Ines Triay announced the withdrawal to Steve Zappe, New Mexico Environment Department's WIPP project manager, in a letter dated Sept. 29.

It is too early to comment on what changes will be made to the permit modification requests and why the requests were withdrawn specifically, but public comment did play a role, Dennis Hurtt, Energy Department spokesman, said.

"We do listen and we do care about the public comment," he said.

The requests, submitted July 21, 2000, asked NMED to allow WIPP officials to increase the storage capacity at the WIPP, eliminate waste storage time constraints and allow WIPP officials to characterize waste once it is received at the WIPP.

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Characterization refers to the process of determining what is contained in the waste. It has been done at the nuclear waste sites from which the waste is delivered.

DOE officials plan to resubmit the modification requests "on or about Oct. 9, 2000," the letter states.

Public comment hearings were held in Carlsbad and Santa Fe in late August, and shortly thereafter, a number of activist groups distributed preprinted green cards for people to send to NMED and express their opposition to the proposed permit modifications.

Zappe said he has not counted the number of cards he has received, but the stack is approximately 7 inches high, pushed down. He estimates the pile contains about 600 cards.

"Don't expand WIPP! I oppose the DOE's plans to do waste characterization and long-term surface storage at WIPP. I ask NMED to DENY the proposed Class 2 modifications for waste characterization at WIPP. I ask NMED to require a Class 3 public hearing on any proposal to expand WIPP," the cards state.

DOE officials plan to resubmit the modifications as Class 2 modifications, the letter from Triay states.

Every public comment NMED

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received in opposition to the permit changes said the permit changes should be Class 3 modifications and not Class 2 modifications, Zappe said.

Class 1 modifications are generally minor classifications; Class 2 modifications are generally regulatory and technical changes; and Class 3 modifications are those, which substantially alter the permit, Zappe said.

The letter from Triay to Zappe makes reference to a Sept. 14 meeting between DOE and NMED officials.

The letter states NMED officials "raised concerns regarding the sufficiency of DOE's request as submitted," and provided DOE officials with copies of public comments they had received.

"After reviewing these comments and further considering the verbal comments made by your staff, DOE has decided that withdrawal of the Class 2 Modification Request as submitted is appropriate," the letter states.

When DOE officials announce the permit modification request is available for public review, the public comment period starts all over again, Zappe said.

Everyone who sent in public comments with their name and address will receive notification of the new public comment hearings, Zappe said.

NMED has 90 days from the date the modification requests are filed to either approve the modifications, approve the modifications providing certain changes are made to them, deny the modifications, declare the permit modifications are Class 3 and must follow Class 3 modification procedures, or to ask for a 30-day extension, Zappe said.

Part of the original DOE request asked for authorization to begin the modifications immediately, without a public comment period. This request was denied by NMED in early September.

A letter from Gregory J. Lewis, director of NMED's Water and Waste Management Division, to the DOE and Westinghouse Waste Isolation Division announced the denial.

At the time, NMED officials said they had questions they wanted answered before making a final decision on the modifications.

Zappe said he does not know why DOE officials withdrew the permit modification requests.

The WIPP Hazardous Waste Facility Permit was issued Oct. 27, 1999 and became effective Nov. 26, 1999, Zappe said.

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