

FAX to BRZ ASAP



July 16, 2001

Secretary Peter Maggiore
New Mexico Environment Department
Santa Fe, NM

VIA FAX - 827-2836

Dear Secretary Maggiore:

Thank you for agreeing to meet with us on Thursday, July 26 at 1:00 p.m. We look forward to a useful discussion about important issues related to the Waste Isolation Pilot Plant (WIPP).

We wanted to provide you with a brief summary of the major issues that we would like to discuss so that you can be prepared to respond to our concerns.

1. At our meeting last December 8, we discussed our perspective that since our organizations represent thousands of New Mexicans that there should be some straightforward way for NMED to recognize that fact without the need for hundreds of people to contact NMED on each of DOE's many permit modification requests. You promised to develop some mechanisms to recognize significant public interest in WIPP. While we believe that some NMED staff have been more responsive to our concerns during recent months, we still want to understand what mechanisms you use to determine public interest in a modification and how we can work together to facilitate effective public involvement.

As a related matter, we thank you for approving our request to extend the public comment period until September 28 on the pending DOE class 3 modification.

2. We remain very concerned about Department of Energy (DOE) plans to expand WIPP-- including characterizing waste at WIPP, substantially increasing surface storage, bringing remote-handled waste, disposing of PCB waste, among others. The proposals threaten public health and the environment. We want to continue to discuss our opposition to those plans, including how the expansions will inexorably lead to further dangerous activities that should not be allowed at WIPP. We also want to discuss the NMED public participation process for these and related issues and make some suggestions for improvements.

3. We are also very concerned about DOE's resistance to regulatory authority and NMED's apparent reluctance to use stronger measures which appear to be necessary for DOE to comply with the letter and spirit of regulations. For example, DOE continues to submit inadequate and incomplete modification requests and to resubmit them until NMED approves them. Further, the Idaho National Engineering and Environmental Laboratory (INEEL) used characterization equipment that was not certified by the Environmental Protection Agency (EPA) for months on hundreds of drums that were shipped to WIPP before the EPA was informed. We would like to discuss what action NMED will take to address the systematic problem of INEEL rushing to ship waste to WIPP and shortcutting regulatory requirements.

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4. We continue to be concerned that DOE is still using Panel 1, which endangers workers and the public. We would like to discuss why NMED appears to be unwilling to encourage DOE to begin using Panel 2.

Again, we look forward to a productive meeting on July 26.

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