

Subject: 7 mods
From: Deborah Reade <reade@nets.com>
Date: Thu, 03 Oct 2002 02:16:55 -0600
To: Steve Zappe <steve_zappe@nmenv.state.nm.us>



Hi Steve--

Attached, please find CARD's comments on the 7 modifications. I have attached both a zipped and an unzipped version. They are both the same file. Sometimes I find that when I send unzipped files they come across somewhat corrupted. Lately, however, I have been running into a lot of clients who seem unable to unzip my files which is why I am sending both versions (even though I am sure you will not find this to be a problem--but just in case...) Please use these files to meet the October 3 deadline. I will send you hard copy as soon as I return to New Mexico and my printer. (I am in California right now--I love laptops!)

Could you send me an e-mail acknowledgement that you have received this file? I will check Thursday late morning or early afternoon to make sure you have received it. If there is any problem I should be able to fix it before I have to fly back.

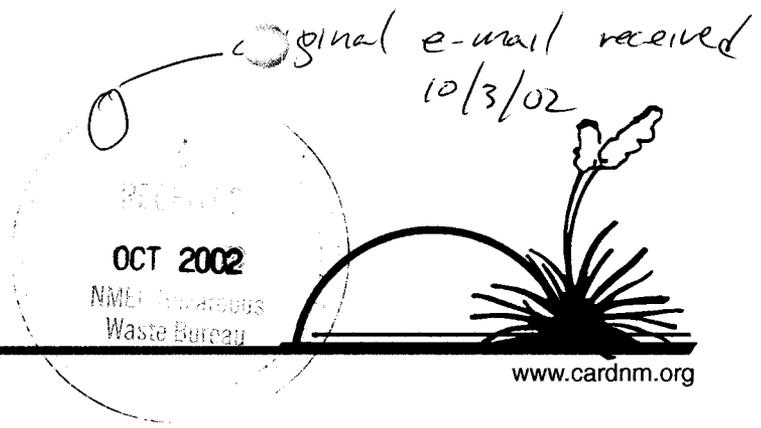
Thanks,

Deborah



CARD

Citizens For Alternatives To Radioactive Dumping



October 2, 2002

Comments on 7 Proposed Modifications for the Waste Isolation Pilot Plant (WIPP) Permit

CARD agrees generally with comments written by Southwest Research and Information Center that all 7 modifications should be denied because they would decrease safety both during shipping and during disposal at WIPP. We also agree that none of the requests is complete and that several of them are mis-classified as class II modifications when they should be class III. In addition, we would like to add the following specific comments on the modifications:

1. RECORD KEEPING AND AUDITING CLASSIFIED INFORMATION

If the New Mexico Environment Department (NMED) should approve this modification, it is important that if the 1% review of Real Time Radiography (RTR) tapes is performed on a classified container it is done by personnel who have not only been trained to do this review and have the proper security clearance, but also are experienced in RTR of WIPP waste and this type of review. In other words, cleared personnel at Sandia, for instance, who have been trained, but have not been performing RTR on the WIPP waste regularly should not be performing this review.

2. ADDITION OF A NEW HAZARDOUS WASTE NUMBER

It is not clear that Applicant can guarantee that no corrosive waste will be sent to WIPP if this waste number is added. Although the discarded samples of hydrofluoric acid at Idaho National Engineering Laboratory (INEEL) described in the fact sheet and information meetings were rendered non-toxic and non-corrosive, it is not clear that in all cases the protective equipment, analytical tools, clothing, equipment, decontamination media, contaminated job wastes, filters etc., were also rendered non-toxic and non-corrosive. These items could have been contaminated before the samples were neutralized rather than after. The modification is written in such a way that the waste could be certified through Acceptable Knowledge (AK) **OR** testing and/or analysis that the waste no longer exhibits the characteristic of corrosivity. AK alone cannot provide sufficient assurance that all of this waste is not corrosive. In addition, since each container can contain 1% residual liquid, there could be more than 1/2 gallon of liquid in a 55 gallon drum. If the direct-loaded 100 gallon drums are approved, there could be 1 gallon of liquid in a container. If the waste were contaminated with a corrosive, that liquid could continue to be corrosive in the container as well. Though there was evidently only a small amount of discarded liquid hydrofluoric acid in the INEEL waste, this modification is not limited to that site or that waste stream alone and could open the door for hydrofluoric acid from other waste streams or other sites to be shipped to WIPP.

3. IMPROVING DATA MANAGEMENT TO STREAMLINE THE DISPOSAL OF TRANSURANIC WASTE

This modification is actually several modifications mixed into one.

ELIMINATE THE NEED FOR WASTE STREAM CHARACTERIZATION PACKAGES (WSCP)

Applicant says the same information is found in the Waste Stream Profile Form and the Characterization Information Summary. However, is all the WSCP information available in both other forms, or is the information split between them? If information is split between them, this might make it more difficult to obtain necessary information all in a piece if it were needed.

ELIMINATE THE NEED FOR QUARTERLY REPEAT OF DATA REVIEW

CARD is completely opposed to the elimination of any levels of review. This is especially true since WIPP has only been operating for a short time and many waste streams and sites have not yet been included in the characterization process. Though Applicant claims a good record and therefore no need for this review, even if CARD believed that some levels of review could be eliminated (which we do not) it is too soon to be able to make that decision now.

CONSOLIDATE DATA MANAGEMENT, INCLUDING REORGANIZATION OF THE REQUIREMENTS

CARD might not have a problem with this portion of the modification, if NMED can guarantee that this is truly only a reorganization and no requirements or information would be lost when permit wording is changed.

ALLOW THE USE OF BARCODES IN LIEU OF SAMPLE TAGS OR LABELS

Would information be as accessible if a bar code were used instead of writing the information on the tag? Could there be a problem with reading older information if scanners, parameters, or software were changed later?

KEEP RECORDS REQUIRED BY THE PERMIT EITHER ELECTRONICALLY OR BY HARD COPY

CARD sees many potential problems here. There should continue to be hard copy of all data kept somewhere--perhaps indefinitely, and certainly for some transitional period until it is assured that there are no problems with electronic record-keeping. Can both Applicant and NMED be sure that there would be no problems caused by hardware, software or human error during the entire operational and closure periods of the permit? NMED has experienced the loss of thousands of documents from their Administrative Record Indexes caused by a programming error when their software was "upgraded." Although these records were supposedly returned to their indexes, could a similar problem occur with either Applicant or NMED in the future with electronic WIPP information? Has anyone assessed the risk of this or similar problems happening?

It is also unclear how long the media Applicant intends to use can be guaranteed to remain stable. During the information meeting in Santa Fe, Applicant could not answer this question. Applicant has also indicated that archiving might include only data and not the forms. This could make information retrieval difficult and cumbersome. There could also be problems reading data prepared with older systems or software after that software or system is changed or upgraded. If all older records might have to be updated to new hardware or software systems periodically as Applicant has indicated, this creates multiple possibilities for human and machine error as well as added expense. Applicant has offered to train NMED personnel to learn these new systems and if this modification is approved in any form, Applicant should be required not only to train NMED personnel, but also to pay for their time to participate in this training.

4. ADDITION OF NEW WASTE CONTAINERS

Although this seems like a "simple" modification, there could be more far-reaching problems with this than Applicant seems to have anticipated. CARD is especially concerned about potential characterization problems. For instance, various determinations about waste coming from the Advanced Mixed Waste Treatment Facility, which would be loaded into some of these containers, have not even been decided yet. Therefore, there is not yet enough information on that waste to understand all the potential ramifications of direct-loading it into these new container configurations. Much more information about these containers, waste characterization with them, repackaging, etc. is needed before this modification can be considered adequately. This modification should be denied, as is, and re-submitted as a class 3 modification with all the potential changes in characterization and other aspects of the permit accounted for.

5. ADDITION OF HALFPACT SHIPPING CONTAINER

If NMED should approve this modification, the phrases "Contact Handled Packaging" and "Contact Handled Package" should include language to indicate that they are approved or permitted packages (even though the definition may include that information elsewhere). Therefore, phrases something like "Permitted Contact Handled Packaging" or "Approved Contact Handled Package" should be used.

6. CHARACTERIZING REPACKAGED HOMOGENEOUS SOLIDS AS RETRIEVABLY STORED WASTE

Applicant has stated during the information meeting on this modification that control charting and characterizing this waste as "newly generated" waste require more samples than would be required if this waste is characterized as "retrievably stored" waste. Again, this modification seems to lessen the amount of characterization and controls over this repackaged waste. Since the repackaged homogeneous solids category includes most of the residue waste at Rocky Flats (and possibly elsewhere), which is some of the most potentially "dangerous" waste in the system, CARD is especially concerned that the amount of characterization done on this waste is not reduced in any way. Additionally, sometimes waste is "treated" while it is repackaged. At a minimum, it might be solidified or liquids might be "absorbed" on media, prohibited items removed, etc. (CARD is aware that NMED does not always consider that this is "treatment," however, CARD believes that it is.) In this sense the waste stream process would actually have changed even though the waste is only being repackaged. CARD sees numerous potential problems under those circumstances if this modification is approved.

7. USE OF RADIOGRAPHY FOR NEWLY GENERATED WASTE

In Applicant's fact sheet on this modification Applicant implies that the main reason for this modification is to protect worker health and safety--presumably by avoiding having a second worker potentially exposed to an open container of waste (even though it is opened in a glovebox). However, this argument is hypocritical on Applicant's part since Applicant has not hesitated in the past to argue that there is no danger from glovebox contained waste when it suits its purposes. Applicant is also perfectly willing to expose workers to treatment of waste in the Advanced Mixed Waste Treatment Facility for the convenience of compacting waste (which is not absolutely necessary for waste shipment to and disposal at WIPP), when, according to several WIPP Environmental Impact Statements, treatment of waste always carries a greater potential for exposure to workers than simple storage and inspection of waste. During the WIPP information meeting in Santa Fe, Applicant admitted that using RTR instead of Visual Examination (VE) would just be more convenient at some sites.

In fact, this modification has potentially far-reaching consequences which is yet another reason why it should be classified as a class 3 modification--particularly when it is seen in combination with other modifications.

Applicant claims in the fact sheet for this modification that both RTR and VE provide the same information. However, RTR can never be as comprehensive as VE and has several limitations--including not being able to distinguish between a sealed container full of liquid and one that is empty. In addition, if NMED approves new containers modification, it is unknown how well RTR will be able to see into these larger, direct-loaded containers. (Certainly, this should be determined for each new container before either modification could be approved.) Again, CARD is completely opposed to any modification that could lessen the number of drums characterized, the number of samples taken for any aspect of characterization, or lessen the quality of that characterization--which we feel this modification would do.

There could also be some serious problems if this modification and the Drum Age Criteria (DAC) modification are both approved. The DAC modification does not include every possible packaging configuration in the look-up tables. If Applicant knows that a container or even a whole waste stream is packaged with a configuration that is not in the tables, those containers cannot be shipped to WIPP under the DAC modification unless they are repackaged with an acceptable configuration. However, if Applicant does not know the packaging configuration, that waste can be shipped to WIPP by using the most conservative DAC in the look-up tables. Since neither RTR nor AK can be used to officially "know" what the configuration is for the purposes of the DAC, if RTR is allowed to be used instead of VE for newly generated waste or waste being characterized as newly generated waste, Applicant could claim that the packaging configuration for this waste is "unknown." Thus, this would be a way for Applicant to ship waste to WIPP that would otherwise be unshippable even if Applicant "knows" unofficially that the packaging configuration is not in the look-up tables.

For the above reasons, CARD respectfully requests that NMED deny all seven modifications at this time.

Sincerely,

A handwritten signature in cursive script that reads "Deborah W. Reade". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

Deborah Reade
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