



**concerned citizens
for nuclear safety**

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October 31, 2002

 **ENTERED**

OCT 2
Hazardous
Waste Bureau

Mr. Steve Zappe
New Mexico Environment Department
2905 E. Rodeo Park Drive, Building 1
Santa Fe, NM 87505-6303

Re: CCNS Comments on the Proposed RH-TRU Waste Modification to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant

Dear Mr. Zappe:

Concerned Citizens for Nuclear Safety (CCNS) makes the following comments about the proposed remote-handled transuranic (RH-TRU) permit modification request (PMR) to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP) submitted by the Applicant, Department of Energy (DOE), Carlsbad Field Office and Westinghouse TRU Solutions LLC:

The New Mexico Environment Department (NMED) should deny the PMR because the application is technically inadequate, incomplete and lacks a sound scientific basis. 20 NMAC 4.1.900, incorporating 40 CFR 270.42(c)(6).

CCNS supports the PMR comments submitted by the Southwest Research and Information Center (SRIC) on October 30, 2002. If approved, the proposed modification will undermine existing environment, health and safety standards for the public and workers. It will also undermine existing standards for shipping waste through New Mexico and disposing of it at WIPP. Thus, the PMR cannot be approved as submitted.

Specifically,

1. The Applicant is using the PMR to expand the permit for contact-handled wastes, which is unacceptable to CCNS.
2. The Applicants have not adequately addressed the issue of receiving leaking RH-TRU containers. Repackaging is no solution because there is no container in which to place a leaking RH-TRU container.
3. There are many waste characterization issues:
 - a. DOE is required to perform 100 percent confirmation of the acceptable knowledge information for the CH-TRU. DOE is proposing performing confirmatory measurements on only 10 percent of some of the RH-TRU waste. This is unacceptable to CCNS.

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b. The waste inventories for RH-TRU waste have fluctuated over the years. The Land Withdrawal Act limits the disposal of RH-TRU waste. DOE must present an accurate RH-TRU inventory.

4. CCNS reiterates SRIC's point regarding the need to consolidate the hearings on related Class 3 modifications. The RH-TRU modification should be consolidated with the hearing for the Centralized Confirmation Facility, Data Management, Panel Closing, and possibly other modifications submitted by Applicants on June 28, 2002. Consolidation will provide for discussion about the interrelationships between the modifications and the efficient use of resources.

For all of the above reasons, CCNS respectfully requests that NMED deny the Applicant's permit modification request for remote-handled transuranic waste at this time. NMED should not expend limited state resources attempting to correct the many problems found in the PMR.

Sincerely,



Joni Arends
Waste Programs Director