

**Subject:** Re: WIPP Engineering Analysis Report on Stability of Explosion Wall

**From:** Don Hancock <sricon@earthlink.net>

**Date:** Fri, 27 Dec 2002 09:04:37 -0700

**To:** Steve\_Zappe@nmenv.state.nm.us, Matthew Silva <msilva@eeg.org>

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Attached as a WordPerfect file is a letter that was mailed and faxed to Secretary D'Antonio on Christmas Eve. Sorry that I forgot to forward it to you until now.  
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December 24, 2002

Secretary John D'Antonio  
New Mexico Environment Department  
PO Box 26110-0110  
Santa Fe, NM 87502

VIA FAX (505) 827-2836 and U.S. MAIL



RE: WIPP Class 1\* Modification - Panel Closure

Dear Secretary D'Antonio:

As you are aware, Southwest Research and Information Center (SRIC) has been actively involved with the Waste Isolation Pilot Plant (WIPP) for more than 25 years. SRIC has also been actively involved in the WIPP permitting process and the many modifications that have been filed since the permit became effective in November 1999.

Further, as you are aware, SRIC has a challenge to a previously issued class 1 modification related to permit condition IV.B.2.b currently pending before the New Mexico Supreme Court. Southwest Research and Information Center, et al. v. State of New Mexico, New Mexico Environment Department, et al. Case No. 27,578.

For both substantive and procedural reasons, SRIC is very much concerned about the pending Class 1\* permit modification, related to closure of Panel 1 at WIPP. I, on behalf of SRIC, participated in a meeting on November 15, 2002. SRIC appreciates NMED's interest in having some public involvement on this important modification request, as well as the permittees' willingness to participate in the November 15 meeting.

However, SRIC strongly feels that the pending Class 1\* modification must be denied, because it is not an appropriate Class 1\* modification. Instead, the permittees should submit a class 2 permit modification request, as provided by 20 NMAC 4.1.900, incorporating 40 CFR 270.42(a)(3) and (b).

Regulations under the New Mexico Hazardous Waste Act (20 NMAC 4.1.900, incorporating 40 CFR 270.42(a)(1)(iii)) provide that NMED may deny any class 1 modification. In addition, the New Mexico Hazardous Waste Act (HWA), NMSA §74-4-4.2.H and I, clearly provides that a public hearing, public comment, or a determination regarding significant public interest, be made prior to your making any decision about the modification request. SRIC believes that there is clearly significant public interest in this matter, so the opportunity for public comment, as provided under class 2 procedures, is the minimum requirement for the request.

In addition to SRIC, representatives of the New Mexico Attorney General's Office, Environmental Evaluation Group (EEG), Nuclear Watch of New Mexico, Concerned Citizens for Nuclear Safety, Citizens for Alternatives to Radioactive Dumping, and Senator Jeff Bingaman have all expressed interest in this modification, including by their participation in the November 15 meeting. Thus, public interest in the request has clearly been demonstrated.

In addition, the modification request is in no way an administrative change or clarification to the permit that could be considered as a class 1 modification. The modification request would delay final panel closure of panel 1 indefinitely. Instead, only partial closure of panel 1 would be required, using "the explosion isolation wall portion of the panel closure system that is described in Permit Attachment I1, Section 3.3.2." at A-7.

The modification request states that the performance of "the 12' explosion isolation wall is expected to be similar to that of other block walls in the WIPP underground that have remained intact for more than five years." at A-5. However, the permittees have provided no information about the number and location of those other block walls, their design characteristics, any maintenance on the walls, among other required information. Thus, their assertion is not supported by any evidence and must be disregarded.

The permit requires, among other things, for panel closure that "the nominal operational life of the closure system is thirty-five (35) years." Permit Attachment I, I-1e(1). The permittees have not demonstrated that the partial panel closure would meet that or other permit requirements. In fact, the permittees' "Assessment of the Short-term Stability of the 12-Foot Explosion Isolation Wall," submitted on December 20, 2002 "assesses the likely actual performance of the explosion isolation wall for Panel One over a period of up to five years." at 7. Such an assessment cannot be used to justify a partial panel closure that is for an indefinite period of time.

Moreover, the permittees' December 20 assessment itself is not appropriate for a class 1 modification. That assessment briefly comments on, and disagrees with, EEG-82, Evaluation of Proposed Panel Closure Modifications at WIPP, December 2001 at 6-7. That EEG report states:

The results of this analysis predicts [sic] that the planned 12-ft thick explosion-isolation masonry walls would not be capable of resisting the 480 psi design methane explosion pressure. The predicted failure of the explosion-isolation wall is indicated on Figure 12. In the Intake Drift, the thickness of an explosion-isolation masonry bulkhead would have to be approximately 20-ft to contain the 480 psi methane explosion pressure and in the Exhaust Drift approximately 15-ft. Appendix B, p. 19

The permittees' analysis disagrees with EEG-82 and states that the 12-foot wall "maintains a sizeable intact confined core" even in case of an explosion. at 3. In such a situation where there is clear disagreement among experts, NMED must perform its own analysis (which SRIC has not seen) and there should be public comment to provide additional information to NMED prior to any decision to approve the request.

In conclusion, SRIC asks that you deny the pending Class 1\* modification request because it does not provide an adequate legal or technical justification for the modification. Furthermore, to approve the request in a hurried fashion before January 1, 2003, without an adequate opportunity for public comment, would be clearly inappropriate since there is no reason to take such precipitate action. In fact, the permittees have stated that it will be at least two or three months until panel 1 is filled, so there is time to allow for, and fully consider, public comment.

Thank you for your carefully consideration of these comments and your response to them.

Sincerely,

Don Hancock