

Subject: Class I* modification
From: Deborah Reade <reade@nets.com>
Date: Fri, 27 Dec 2002 03:13:00 -0700
To: Steve_Zappe@nmenv.state.nm.us



Dear Steve:

Hope you have been having a Merry Christmas and at least some holiday vacation. I am out in California visiting my mother. That is why I have not replied before now to your e-mail on the Class I* modification. However, I have finally gotten to my e-mails and I am attaching a letter to the Secretary to this e-mail. Would you please forward it to him? I will also copy the text into this e-mail in case you can't open the attachment. I have finally updated my version of Word, however, and hopefully will have fewer problems than before with e-mailing and opening documents. Would you let me know if you have any problems or if it opens okay? If there are problems, I will try different formats so in the future everything will be A-OK!

Best wishes,

Deborah

December 26, 2002

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

VIA e-mail



RE: WIPP Class 1* Modification - Panel Closure

Dear Secretary D'Antonio:

Citizens for Alternatives to Radioactive Dumping (CARD) has expressed active interest in the panel closure systems at the Waste Isolation Pilot Plant (WIPP) before, during and after the Hazardous Waste Facility Permit (HWFP) hearing and continuing up to the present time. We have been concerned because it has always been clear to us that the Department of Energy (DOE) had never tested their designs to see if they could be constructed as planned or if they would actually work as designed. Now it has become apparent that CARD's concerns are justified since DOE has admitted that they cannot construct the design required by the HWFP. DOE are now proposing a Class I* permit modification to allow the construction of a 12' thick explosion isolation wall which they claim will alone contain both VOCs and a possible methane gas explosion for up to 5 years.

Interestingly, in their cover letter accompanying their modification request, DOE themselves seem to admit that this is not actually a Class I* level modification as they admit to the complexity of the modification and even suggest that NMED circulate it to interested parties for public comment. (Unfortunately, CARD cannot quote DOE's exact wording since we were only informed of DOE's latest submission during the holidays while we are away from our documentation.)

CARD made its objections to this modification being considered a Class I* modification at the November 15, 2002 meeting and will repeat these objections here. First of all, this modification is not simply a permit clarification or minor administrative change akin to a typo or name change; nor is it simply a schedule change although that is one component of the modification. It is true that this modification would change the schedule for closure of Panel One. However, this modification is more far-reaching than that as it essentially changes the configuration of the panel closure system for Panel One and substitutes

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DOE claims that this attenuated design will have to stand for no longer than 5 years. Evidently they are assuming that a new, full, panel closure system will be approved and built within that time. However, it is not at all clear that this will be the case. The design proposed in their Class III modification is, as before, un-tested and un-proven. CARD already sees various problems with that proposed design. It is possible, therefore, that it could take more than 5 years to design, test and approve an adequate panel closure system and Class III modification as well as receive Environmental Protection Agency approval. Unless the New Mexico Environment Department

(NMED) has, in effect, already pre-approved this Class III modification before receiving public input, NMED should also not assume that this masonry wall will stand alone for no more than 5 years. Therefore, the only reasonable assumption is that this wall could stand indefinitely as the only panel closure system for Panel One.

If the masonry wall were to stand alone for more than 5 years, questions then arise as to its ability to withstand a methane gas explosion. DOE appears confused in their understanding about this postulated explosion as their own documents on their Class I* modification request differ even on when they believe such an explosion might first occur. In their *Class I* Permit Modification Request: Change to Closure Schedule for Panel 1* they follow the HWFP and state that:

"A review of the analysis described in the HWFP Attachment I1, Executive Summary, indicates that an explosive atmosphere may occur **after 20 years...**" (*emphasis added*)

Yet in their *Assessment of the Short-term Stability of the 12 Foot Explosion Isolation Wall* they state:

"EEG-82 notes that '...the design basis 480 psi methane explosion...cannot occur prior to (at least) **15 years after panel closure.**' This agrees with the conclusions of other design reports (e.g. Section 2.2.3 and Figure 2-14 in DOE, 1996) ..." (*emphasis added*)

The Environmental Evaluation Group (EEG) has stated in *EEG-82, Evaluation of Proposed Panel Closure Modifications at WIPP* that the 12' masonry wall will **not** withstand such an explosion by itself. Since DOE's and EEG's experts differ on this very important question, NMED must take a closer look. This situation alone shows, again, that this is not simply a schedule change but needs a Class II process with full public input.

In addition, the level of public interest in this modification is clearly significant. Attendance at the November 15, 2002 meeting included Citizens for Alternatives to Radioactive Dumping, Concerned Citizens for Nuclear Safety, the Environmental Evaluation Group, the New Mexico Attorney General's Office, Nuclear Watch of New Mexico, and Southwest Research and Information Center as well as DOE and NMED. This level of public interest alone should push this modification up to the level of a Class II modification. Furthermore, discussion was often heated with many disagreements among participants and experts; this again shows that this particular modification is actually quite complex and not a simple schedule change.

Several representatives of NMED at that meeting seemed to express the opinion that part of DOE's difficulties were actually NMED's "fault" since NMED had required DOE to choose the Option D Panel Closure Design (even though this option was designed by DOE themselves). CARD fears that NMED might feel pressured to rush approval of this modification as a Class I* because of some misplaced feeling of "guilt." CARD believes that the only "mistake" that

NMED made was not necessarily in requiring this particular design, but in approving **any** panel closure design that was unproven and untested and in approving the HWFP itself before there was a way of closing the panels that was **known** (not assumed) to work. CARD would hope that NMED would not repeat this mistake in the future by either approving an untested design for the final panel closure system or by approving the 12' wall "temporary" closure system without full public input and scrutiny.

CARD also strongly suggests that NMED propose its own modification to the HWFP requiring DOE to have a tested and approved panel closure system fully implemented in Panel One before they begin filling Panel Two. It would seem to be imprudent, indeed almost reckless, to continue to fill more panels at WIPP before we know when, or even if, DOE can successfully and safely close the panels. This will cause a delay in DOE's waste emplacement schedule. However, DOE would not be in this position if they had done adequate testing of their panel closure designs before they applied for a permit from NMED.

Sincerely,

Deborah Reade
Research Director
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