

Steve Zappe

From: Penny McMullen [pmsl@osogrande.com]
Sent: Tuesday, January 13, 2004 1:22 PM
To: Steve Zappe
Cc: Joni Arends; Don Hancock; Geoff Petrie
Subject: sealed sources

Loretto Community
324 Sanchez St.
Santa Fe, NM 87505

Jan. 13, 2004

Steve Zappe
New Mexico Environment Department
2905 Rodeo Park Drive, Building 1
Santa Fe, NM 87505



RE: WIPP Class 2 Permit Modification Request - LANL Sealed Sources

Dear Mr. Zappe:

The Loretto Community strongly opposes the permit modification request on LANL sealed sources and we urge NMED to deny this request.

NMED rightly denied the previous Sealed Sources PMR on Sept. 11, 2003, and I do not see enough change in the current request to warrant approval.

First of all this, should be a class 3 request because it is a substantial change that merits a public hearing, since sealed sources were not included in the inventory for the permit. This PMR is not similar to two previous Headspace Gas Sampling requests that were approved, as claimed in the responses to comments when such a request was submitted last year. The previous two PMRs were for true modifications, while this PMR would eliminate HPG sampling for most if not all of the sealed sources going to WIPP. Elimination is a huge leap from "modification."

This PMR assumes that visual examination at the time of packaging is accurate, and relies on "acceptable knowledge" (AK) which is not "acceptable" to the public because of its known inadequacies and LANL's poor record keeping. During the long permit hearing process, the inadequacies of AK was demonstrated and the need for HSG sampling established. We have difficulty believing that the sealed sources do not contain VOCs without some proof, given the DOE's history of secrecy and lying. Headspace Gas Sampling provides that proof.

Many of the sealed sources contain nondefense wastes which are prohibited at WIPP, even if they do not contain VOCs. DOE claims that LANL will determine which sealed sources contain nondefense waste and promises that they will not send those to WIPP. However, the PMR does not explain how LANL will make that determination (I find the language vague), so we cannot trust that it will be done correctly.

DOE says that headspace gas sampling would destroy the sealed source container. If despite today's technology there are no ways to take a sample without destroying the capsule, then those capsules should either be repackaged or they should not go to WIPP. Regarding worker safety, there are means to keep the LANL workers safe, rather than eliminating HSG sampling. Allowing a procedure that could lead to unacceptable



waste at WIPP could eventually be unsafe for not only WIPP workers but also for the environment.

I oppose the plan to sample five containers to estimate mean VOC concentration values. Given that DOE deliberately tested for karst at WIPP in areas away from where karst was known to be, so that they could say they "found no karst," I do not trust the DOE's selection process for determining mean values. Using means allows for the possibility of undetected materials slipping through.

The General Accounting Office strongly criticized the plan to move sealed sources to WIPP in its report #03-483, stating that many sealed sources are not defense waste and are therefore prohibited from disposal at WIPP. DOE was given a mandate 17 years ago to develop new storage and disposal sites for sealed sources, which DOE has not acted upon. They cannot fix their inadequacies by putting this prohibited waste at WIPP.

At the public meeting about the previous Sealed Sources hearing, we heard that DOE headquarters plans to add new items to the list of materials that go into sealed sources. Since we don't know what these future items might be, NMED should deny changes to sealed-source procedures.

I support NMED's PMR to limit WIPP waste to the list in the Transuranic Waste Baseline Inventory Report. Given NMED's and the State's wish to prohibit waste that was not part of the original permit, NMED should not accept this PMR because it would go against NMED's own PMR, and nondefense and other nonpermitted waste could end up at WIPP if this PMR is accepted.

Sincerely,
Penelope McMullen, SL

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