

Creative Commotion: Voices for Social Change

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January 14, 2004

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



Re: WIPP Class 2 Permit Modification Request – LANL Sealed Sources

Dear Mr. Zappe:

We strongly oppose the permit modification request that would allow an unlimited number of sealed sources to be shipped from Los Alamos National Laboratory (LANL) to the Waste Isolation Pilot Plant (WIPP).

Regulations under the New Mexico Hazardous Waste Act (20 NMAC 4.1.900, incorporating 40 CFR 270.42(b)(6)(B)) provide that NMED may deny a Class 2 modification. We ask that the request again be denied, as NMED denied a similar request on September 11, 2003.

The request should be denied because it is not properly a Class 2 modification, but rather should only be submitted and considered as a Class 3 modification. The request would totally eliminate headspace gas sampling and analysis for all sealed sources, despite the fact that the need for such sampling and analysis was required as a result of a five-year permitting process, including 19 days of public hearings.

Assuring that sealed sources meet the permit's requirements would be done by acceptable knowledge (AK). During the permit hearing process, it was conclusively demonstrated that AK can be faulty. Thus, NMED may not rely on AK to demonstrate that sealed sources contain no volatile organic compounds, are not leaking, and are otherwise adequately characterized.

The General Accounting Office strongly criticized the sealed source program in its report, *Nuclear Nonproliferation: DOE Action Needed to Ensure Continued Recovery of Unwanted Sealed Radioactive Sources*. That report points out that many sealed sources are not defense waste and are thereby prohibited from disposal at WIPP. The report also said that DOE must develop new storage and disposal sites for those sealed sources and criticized DOE for not doing so even though it was given such a mandate 17 years ago. Thus, there is no need for the requested modification. Instead, DOE must develop a safe, secure site for all of its sealed sources, and that site cannot be WIPP.

Please deny the subject request because it is not a Class 2 modification, nor does it provide an adequate basis that public health and the environment would be protected. Thank you for your consideration of this matter.

Sincerely,

Coila Ash, Director

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