

## Savannah River Site

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A U.S. Department of Energy Site-Specific Advisory Board

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January 20, 2004

Mr. Steve Zappe  
NMED Hazardous Waste Bureau  
2905 Rodeo Park Drive East  
Building 1  
Santa Fe, NM 87505

RE: Comments on the Proposal by the New Mexico Environment Department (NMED) to Approve an Agency-Initiated Modification to the Hazardous Waste Facility Permit ("Permit") for the Waste Isolation Pilot Plant (WIPP)

Dear Mr. Zappe:

The Facilities Disposition and Site Remediation Committee of the Savannah River Site Citizens Advisory Board is shocked by the unilateral decision by the NMED to change the WIPP's Permit granted to the US Department of Energy (DOE) on October 27, 1999.

Our concerns about and comments on this proposed change follow.

1. Neither the Public Notice nor the Fact Sheet for the proposed change gives any technical reason, especially concerning increased risk to human health and the environment, for limiting all waste to be accepted by WIPP to be that listed in the Transuranic Waste Baseline Inventory Report (TWBIR) in effect at the time the Permit was granted. We, therefore, must conclude that this capricious effort by the NMED is solely politically-based for some unknown reason not being shared with the public. Without sound technical basis, absolutely no operational change, like that proposed, should be made to the current Permit.

2. The current Permit already addresses the ability to accept "newly generated waste" at WIPP in Sections CAO-00-029 and CAO-00-043 of its RCRA Clarification Documents. Therefore, "newly generated waste" can be accepted by WIPP under conditions established for same in the current Permit. Control of such wastes was certainly not an afterthought as the proposed Permit change insinuates.

3. Aligned with #2 above is our fear that TRU waste listed in the TWBIR, but no longer at its original location, could possibly become involved in such legalities as to make it unshippable to WIPP. An example of such waste is the Mound TRU Waste that already has been received by the Savannah River Site (SRS) for temporary storage prior to its shipment to WIPP.

4. If the proposed change to the Permit is made, TRU wastes generated by the proposed Mixed Oxide (MOX) Plant and the proposed Modern Pit Facility would be unacceptable to WIPP. If they would not be acceptable to WIPP, then a new facility would have to be designed, built, and permitted for such. Has the State of New Mexico given any thought as to the cost to the US taxpayers this would entail, especially when an already built and permitted and viable and safe facility for such exists?



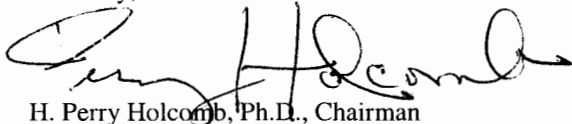
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5. Neither the Public Notice nor the Fact Sheet mentions the excellent, broad protection already furnished by the highly restrictive Waste Acceptance Criteria (WAC) and the specific Generation Criteria that waste shipped to WIPP must meet. Section 1.2.2 of the CH-TRU WIPP Safety Analysis Report explicitly states, "The waste received for placement in the WIPP must conform with the WIPP Waste Acceptance Criteria (WAC)." This statement specifies that any TRU waste that meets the WIPP WAC is acceptable, no matter when it was generated.

Our committee strongly believes that the WIPP is a national repository sufficiently protective of human health and the environment, especially those of New Mexico, via its current WAC and other limiting requirements for TRU waste sent there. For New Mexico to change its WIPP Permit without just and sufficient reason, especially a change without any disclosed technical basis, will severely damage DOE's approach for accelerated cleanup of its weapons complex sites and most likely result in increased financial burden for all US taxpayers as well as increased risk to those living near those sites.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Perry Holcomb". The signature is fluid and cursive, with a long horizontal stroke at the end.

H. Perry Holcomb, Ph.D., Chairman  
Facilities Disposition and Site Remediation Committee

CC: The Honorable Spencer Abraham, Secretary, US Department of Energy  
The Honorable Robert G. Card, Under Secretary, US Department of Energy  
The Honorable Jesse Hill Roberson, Assistant Secretary, US Department of Energy  
The Honorable Bill Richardson, Governor of the State of New Mexico  
The Honorable Mark Sanford, Governor of the State of South Carolina  
Mr. Robert King, Deputy Commissioner, SCDHEC  
Mr. Jeff Allison, Manager, Savannah River Operations Office  
Mr. Charlie Anderson, Deputy Manager for Cleanup, DOE-SR  
Ms. Alice Doswell, Acting Assistant Manager, Closure Projects  
Mr. Bob Pedde, President, Westinghouse Savannah River Company  
Mr. Sam Kelly, BNFL  
Mr. Sonny Goldston, WSRC