



**Oak Ridge Reservation  
Local Oversight Committee**

January 30, 2004

Mr. Steve Zappe  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-2500



*Subject: NMED Public Notice No. 03-12, November 26, 2003 – Intent to approve an agency-initiated modification to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant, Carlsbad, NM, EPA ID No. NM4890139088*

Dear Mr. Zappe:

The Oak Ridge Reservation Local Oversight Committee, Inc. (LOC) provides the following comment on the subject proposed action by New Mexico Environment Department (NMED).

The LOC is concerned that NMED is considering enacting a regulation that would prevent some transuranic (TRU) waste streams from being disposed in the Waste Isolation Pilot Plant (WIPP). WIPP is our nation's sole authorized and funded disposal facility for long-term management of defense transuranic waste. The LOC believes that it is much safer and far more responsible to manage TRU waste in WIPP than to store it indefinitely at U.S. Department of Energy (DOE) facilities around the country.

The Oak Ridge Reservation has the largest inventory by curies of the remote-handled (RH) TRU waste in the DOE complex that is scheduled to be disposed of at WIPP. In east Tennessee, TRU waste is a high-risk waste stream due to the wet climate and dense regional population. Oak Ridge has constructed and is operating a Transuranic Waste Treatment Facility at which TRU waste is separated from low-level waste to minimize the amount of TRU waste disposed of at WIPP and overall cost to the public. Delays at WIPP have already caused rescheduling contact-handled (CH) and RH TRU waste streams. It is essential to the Oak Ridge Reservation TRU waste disposal program that timely disposal in WIPP be available lest we be forced to repackage, provide high-tech temporary storage, and then repack again for shipping. These costs will be prohibitive and risks to workers significantly increased.

Since development of the initial WIPP Baseline Inventory Report (BIR), DOE's remediation activities on the Oak Ridge Reservation have located a deposit of contaminated soil requiring removal that fits the definition of RH defense TRU waste, but had not been included in DOE's original TRU BIR. The estimated volume is 196.6 cubic meters. It is the LOC's position that this small additional RH TRU waste stream should be accepted at WIPP, along with any similar materials that might be identified in future



remediation activities. NMED should not act to arbitrarily exclude newly discovered TRU wastes from WIPP.

Enclosed are more detailed comments from the LOC Citizens' Advisory Panel (CAP) on the agency-initiated modification to the Hazardous Waste Facility Permit for WIPP.

The LOC is a non-profit regional organization funded by the State of Tennessee and established to provide local government and citizen input into the environmental management, decision-making and operation of the U.S. Department of Energy Oak Ridge Reservation. The Board of Directors of the LOC is composed of elected and appointed officials from the City of Oak Ridge and the seven counties surrounding and downstream of the ORR, and the chair of the CAP. The CAP is a stakeholder organization with up to 20 members with diverse backgrounds who represent the greater ORR region; the CAP supports Board interests by reviewing and providing recommendations on DOE decisions and policies.

We appreciate the opportunity to comment on the proposed action. Should you have any questions, please contact the LOC office at 865-483-1333.

Sincerely,



Leonard A. Abbatiello  
Chair, LOC Board of Directors

Enclosure

cc: LOC Register  
LOC Board  
LOC CAP  
Gerald Boyd, Manager, DOE ORO  
Steve McCracken, Assistant Manager for EM, DOE ORO  
John Owsley, Director, TDEC DOE-O  
Pat Halsey, FFA Coordinator, DOE ORO  
Jeff Crane, FFA Project Manager, EPA Region 4  
Amy Fitzgerald, City of Oak Ridge  
David Mosby, Chair, ORSSAB

Comments by LOC Citizens' Advisory Panel on  
NMED intent to approve an agency-initiated modification to the  
Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant

1. The CAP understands NMED's concerns regarding DOE's attempt to reclassify high-level tank waste as TRU waste; however the agency-initiated action is not the appropriate means of preventing this waste from coming to WIPP. Because the court system has ruled against DOE in this matter, the subject agency-initiated action is no longer necessary.
2. The original Baseline Inventory Report for WIPP is incomplete in that it doesn't account for additional waste discovered during environmental or facility cleanup activities, waste that must still be appropriately disposed. Oak Ridge Operations has refined and added to its original estimate of RH TRU, keeping NMED informed of the two small additional RH TRU waste streams discovered since submittal of the original BIR.
3. The CAP is concerned about the capacity of WIPP for its RH TRU waste. As more CH TRU waste is accepted, disposal capacity for RH TRU waste is being eliminated. WIPP must ensure that there is sufficient capacity for Oak Ridge's total RH TRU inventory. This can only be accomplished by NMED opening the site to RH TRU as soon as possible.
4. The CAP has reviewed the letter from Radiation Protection Division of the U.S. Environmental Protection Agency to the DOE Carlsbad Field Office regarding DOE's RH TRU Waste Characterization Plan and Implementation Plan for WIPP. We concur with the EPA that this process is adequate and should be approved. We hope that this speeds acceptance of RH TRU at WIPP.