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November 1, 2004

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



Regarding WIPP Class 3 Permit Modification Request:
Construction and Use of Hazardous Waste Disposal Units

Mr. Zappe,

Nuclear Watch of New Mexico (NWNM) appreciated the opportunity to participate in the October 28th meeting with the New Mexico Environment Department (NMED) and representatives of the permittees to discuss this permit modification request (PMR). As a result of this meeting, NWNM submits the following comments regarding this PMR.

NWNM believes the following should be added to the PMR:

IV.E.2.b. Notification of Start of Underground HWDU Mining

The permittees will provide written notification to the Secretary and to the WIPP Facility Mailing List stating the projected date of the start of mining of each Underground HWDU. Such notice will be provided at least 30 days prior to the projected date that underground mining will begin, along with supporting rationale (e.g., projected waste receipt date).

NWNM also believes that table IV.A.1 should be altered to address the actual maximum capacity for Panel 1 from the 18,000 m³ to the 10,496 m³ (or 10,500 m³) of waste that the permittees actually disposed in Panel 1. Furthermore, NWNM believes that the total maximum capacity should be altered to show the new maximum capacity for WIPP now that Panel 1 has 10,496 m³ of waste disposed in it. NWNM understands that this proposed change in table IV.A.1 is at question, however, we believe that since Panel 1 is provisionally closed that there should be no doubt in the Permit that this panel has reached its maximum capacity at 10,496 m³. It goes without saying that NWNM believes that the current closure status of Panel 1 should remain until such time as approval is given to a new panel closure modification and at that point closure should be completed without any additional waste entering the panel. Finally, if NMED agrees to this adjustment to table IV.A.1 we believe that all cases of this table should also be amended in the Permit.

Thank you for your consideration of our comments.

Sincerely,

Geoff Petrie

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