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Statement by

Todd D. Willens

Chief of Staff

Office of Congressman Stevan Pearce, NM-02

before the

Radioactive and Hazardous Materials Committee

New Mexico Legislature

July 18, 2011

Room 307, the New Mexico State Capitol

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### Introduction

Mr. Chairman, vice-chairman, and members of the Advisory committee, thank you for your time and commitment to New Mexico's safe handling of hazardous materials. Also, thank you for inviting me to appear before your committee today in regards to H.R. 2367, the Government Waste Isolation Pilot Plant Extension (WIPP Extension) Act of 2011.

There are a tremendous number of tough questions facing our nation's energy future. As Members of the Radioactive and Hazardous Materials Committee, you are on the front-line in studying and recommending policy proposals for the role New Mexico will continue to play in our nation's evolving energy policy.

The Waste Isolation Pilot Plant (WIPP) is a world-class facility with an outstanding service record for the disposal of low-level defense-mission transuranic (TRU) waste. Many Americans are unaware that the WIPP facility exists or that our nation has a proven, capable facility that continues to safely process and store low-level radioactive material. This facility is the model on which radioactive waste disposal sites should be built and maintained. WIPP has safely received nearly 9,750 shipments and removed 76,000 cubic meters of waste from our biosphere. Nineteen sites have been cleaned of legacy TRU waste because of WIPP and the tremendous work being performed there.

WIPP builds upon New Mexico's central role in the infancy of atomic research, and brings the work done at several Department of Energy (DOE) facilities full-circle. In 1979, Congress authorized WIPP to research and develop a safe method for the disposal of radioactive waste. Twenty years later, WIPP accepted and processed its first shipment of TRU waste from the Los Alamos National Laboratory, and currently accepts waste from fourteen DOE laboratories and sites for storage.

TRU waste is generated when an item or substance is exposed to a man-made element with an atomic number higher than uranium on the Periodic Table of Elements. This is waste that most commonly has come into contact with plutonium including tools, clothing, debris, soil and other similar items. WIPP is a desirable location for TRU waste. The naturally occurring salt beds provide a unique environment that will absorb waste and prevents the release of radioactivity. Over time, the salt beds will move and change to entomb the waste 2,150 feet underground.

The facility is fast approaching its mission conclusion. The original expected closure date was 2037. That date has stepped up considerably. More pressing though is the change expected in the next four to five years. Currently, WIPP averages approximately 26 shipments per week. By 2015, WIPP is expected to see shipments begin falling off to roughly 16 shipments per week. By 2020, WIPP will receive only 14 shipments per week. As the number of shipments decline, so too will many well-paying, highly-skilled jobs. The WIPP facility employs approximately 200 miners and 300 technically skilled workers. These jobs provide southeastern New Mexico, particularly the Carlsbad community and Eddy County, a tremendous economic boost. As WIPP winds down over the next decade, the impact will surely be felt in New Mexico. What can be done to prevent this?

WIPP has utilized only 43% of the available mined area of the facility. According to the operations team at WIPP, there is more than enough room for the facility to handle and process additional TRU waste. The labs and other DOE sites around the country are holding TRU waste because it lacks a disposal stream. One stream of TRU waste is no different than the other, what

is dissimilar is the mission under which the waste was generated. Non-defense waste is a prime candidate for WIPP, as it poses no greater risk to public health than the defense-mission waste.

H.R. 2367 will supplement the defense-mission at WIPP by allowing the facility to accept all federal TRU waste. This additional waste stream is expected to keep shipments into the facility relatively stable for an additional five to seven years.

According to DOE, the overall mission of WIPP and the National TRU program is to protect human health and the environment by safe management, retrieval, characterization, and disposal of approved wastes. The legislation will clean up waste in eight states, with one of them being New Mexico. This is waste that, for no other reason than it was created under a non-defense mission, has no disposal process.

Finally, taxpayers will get a greater return on their investment in WIPP. As stated earlier, WIPP has currently utilized 43% of the facility. WIPP will not achieve 100% capacity, leaving taxpayers' investment underutilized. The characteristics for the new stream of waste are exactly the same as those currently accepted at WIPP. Without a pathway, this waste is doomed to sit in storage at various DOE facilities in sub-standard and less environmentally sound storage.

To conclude and summarize, the WIPP Extension Act (H.R. 2367) will:

- Not change the kind of waste that WIPP accepts
- Clean up transuranic waste in 8 states
- Allow for the safe disposal of 4,000 cubic meters of waste that would otherwise sit in temporary storage
- Piggyback on the exemplary record at WIPP to safely dispose and remove additional TRU waste from the environment
- Not change the existing transportation routes to bring waste to WIPP
- Stop the dramatic cut in shipments expected in roughly 5 years
- Prevent the loss of 200 well-paying, highly-technical jobs
- Provide the taxpayer with a better return on investment by utilizing space that is expected to go unused under WIPP's current, defense only mission
- Protect human health and the environment

Again, I thank you for inviting me to participate today. I look forward to discussing this legislation and answering any questions you may have.

112TH CONGRESS  
1ST SESSION

# H. R. 2367

To provide for the safe disposal of Federal Government-owned transuranic waste for the benefit of all Americans.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. PEARCE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the safe disposal of Federal Government-owned transuranic waste for the benefit of all Americans.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Government Waste  
5 Isolation Pilot Plant Extension Act of 2011".

6 **SEC. 2. EXTENSION OF WASTE ISOLATION PILOT PLANT**

7 **MISSION.**

8 The Secretary of Energy shall manage WIPP in such  
9 a way as to include, in addition to the disposal of wastes

1 authorized by section 213 of the Department of Energy  
2 National Security and Military Applications of Nuclear  
3 Energy Authorization Act of 1980 (Pub. L. 96-164; 93  
4 Stat. 1259, 1265), the transportation and disposal of any  
5 non-defense Federal Government-owned transuranic waste  
6 that can be shown to meet the applicable criteria described  
7 in the document entitled "Transuranic Waste Acceptance  
8 Criteria For The Waste Isolation Pilot Plant", published  
9 by the Department of Energy on April 21, 2011, or any  
10 successor document.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) DISPOSAL; TRANSURANIC WASTE.—The  
14 terms "disposal" and "transuranic waste" have the  
15 meanings given those terms in section 2 of the  
16 Waste Isolation Pilot Plant Land Withdrawal Act  
17 (Pub. L. 102-579; 106 Stat. 4777).

18 (2) WIPP.—The term "WIPP" means the  
19 Waste Isolation Pilot Plant project authorized under  
20 section 213 of the Department of Energy National  
21 Security and Military Applications of Nuclear En-  
22 ergy Authorization Act of 1980 (Pub. L. 96-164; 93  
23 Stat. 1259, 1265).

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## Summary: H.R. 2367, the WIPP Extension Act of 2011

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### HR 2367

- ✿ Will allow WIPP – in addition to its defense mission – to dispose of “non-defense Federal Government-owned Transuranic waste.”
- ✿ Will not allow WIPP to accept waste from the private commercial sector. WIPP will continue to accept only government-owned waste.

### Justification

- ✿ The kind of waste that WIPP accepts will not change. H.R. 2367 will allow for non-defense, federally owned waste to be stored at WIPP.
- ✿ Helps clean up transuranic waste in 8 states.
- ✿ Federal agencies (primarily DOE) are sitting on TRU waste that cannot be disposed of because of WIPP’s current restriction on accepting only defense mission waste; it’s posing a significant risk to public health.
- ✿ In keeping with its mission to public health, WIPP’s proven record for the safe handling and disposal of TRU waste makes it the logical choice to receive non-defense mission waste as well.
- ✿ This additional waste stream is expected to keep shipments relatively stable for an additional five to seven years without any impact on the defense mission.
- ✿ WIPP has safely disposed of over 75,500 m<sup>3</sup> of TRU waste since 1999 in 9,750 shipments.

### Background

- ✿ In 1979 Congress authorized the Waste Isolation Pilot Plant (WIPP) as research and development facility to demonstrate the safe disposal of radioactive waste from defense activities not regulated by the Nuclear Regulatory Commission (NRC).
- ✿ According to DOE, the overall mission of WIPP and the National TRU program is to protect human health and the environment by safe management, retrieval, characterization, and disposal of approved wastes.
- ✿ WIPP predominately accepts contact handled (CH) waste – contact handled waste can be handled under controlled conditions without any shielding beyond the container the waste sits in.
- ✿ WIPP also accepts remote handled (RH) – remote handled waste requires additional safety procedures to properly dispose of the waste. RH waste emits stronger penetrating gamma rays.
- ✿ TRU wastes are man-made, radioactive elements with atomic numbers greater than uranium on the Periodic Table of Elements.
- ✿ TRU wastes consist of clothing, tools, rags, residues, debris, soil and other items contaminated with radioactive elements heavier than uranium, usually plutonium.



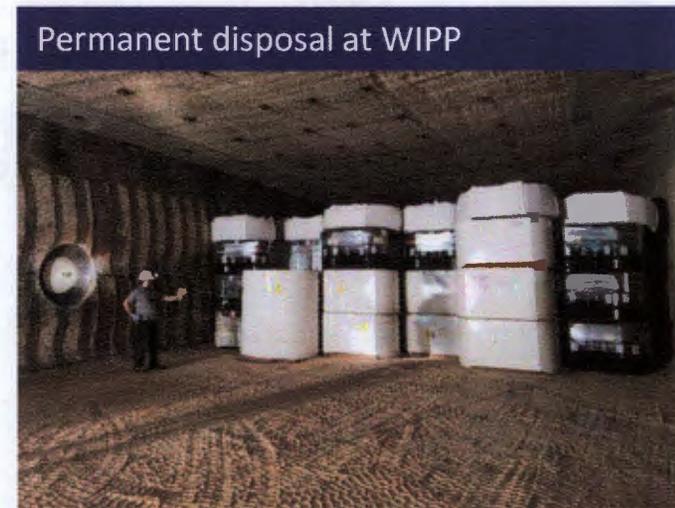
H.R. 2367

The Government Waste Isolation  
Pilot Plant Extension Act of 2011



# What is TRU Waste at WIPP?

- Related to the research and development of nuclear weapons
- Often contains clothing, tools, rags, debris, residues and other items contaminated with man-made radioactive elements

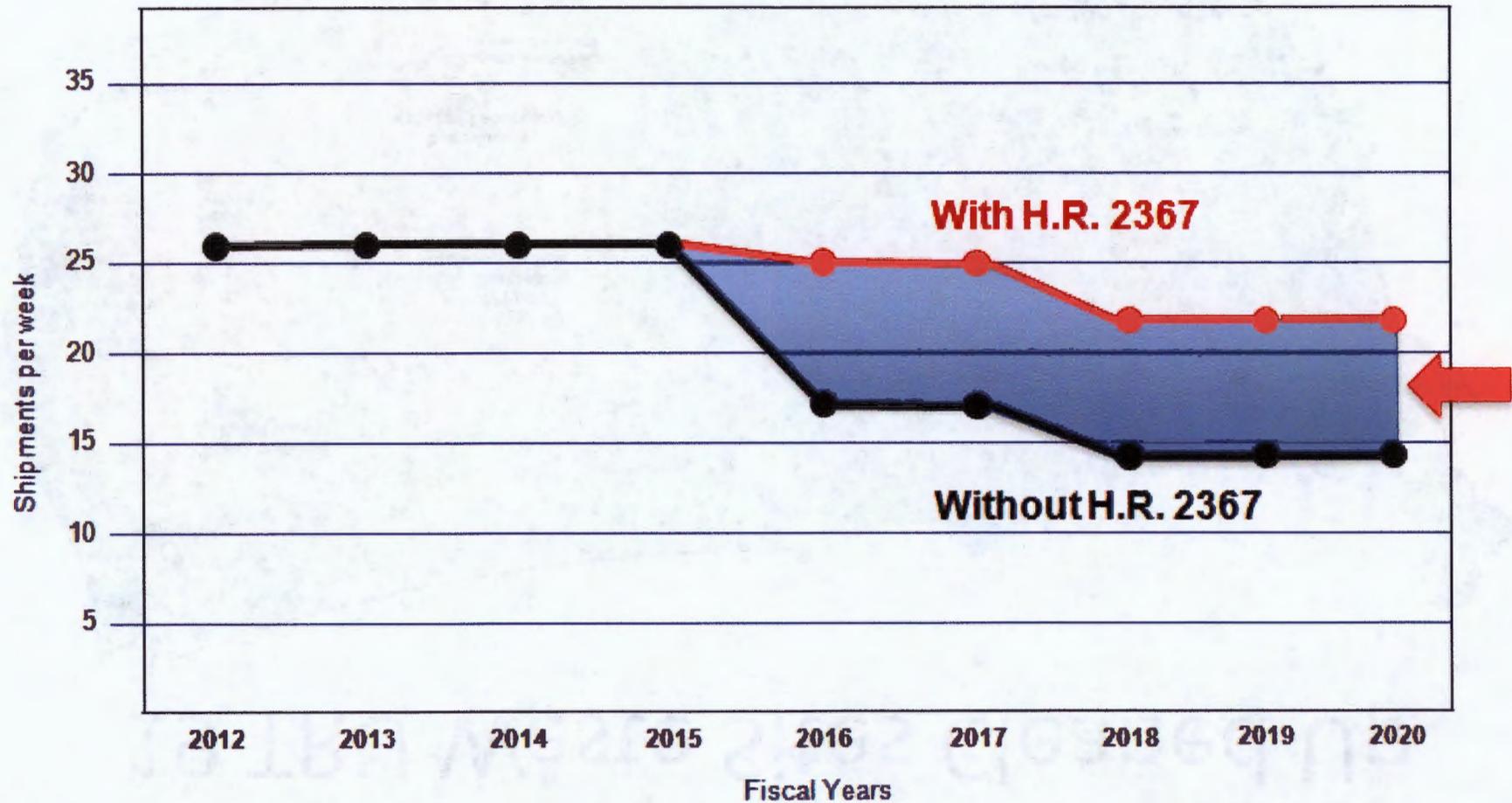


# 19 TRU Waste Sites Cleaned Up



# Benefits of H.R. 2367 on WIPP Shipments

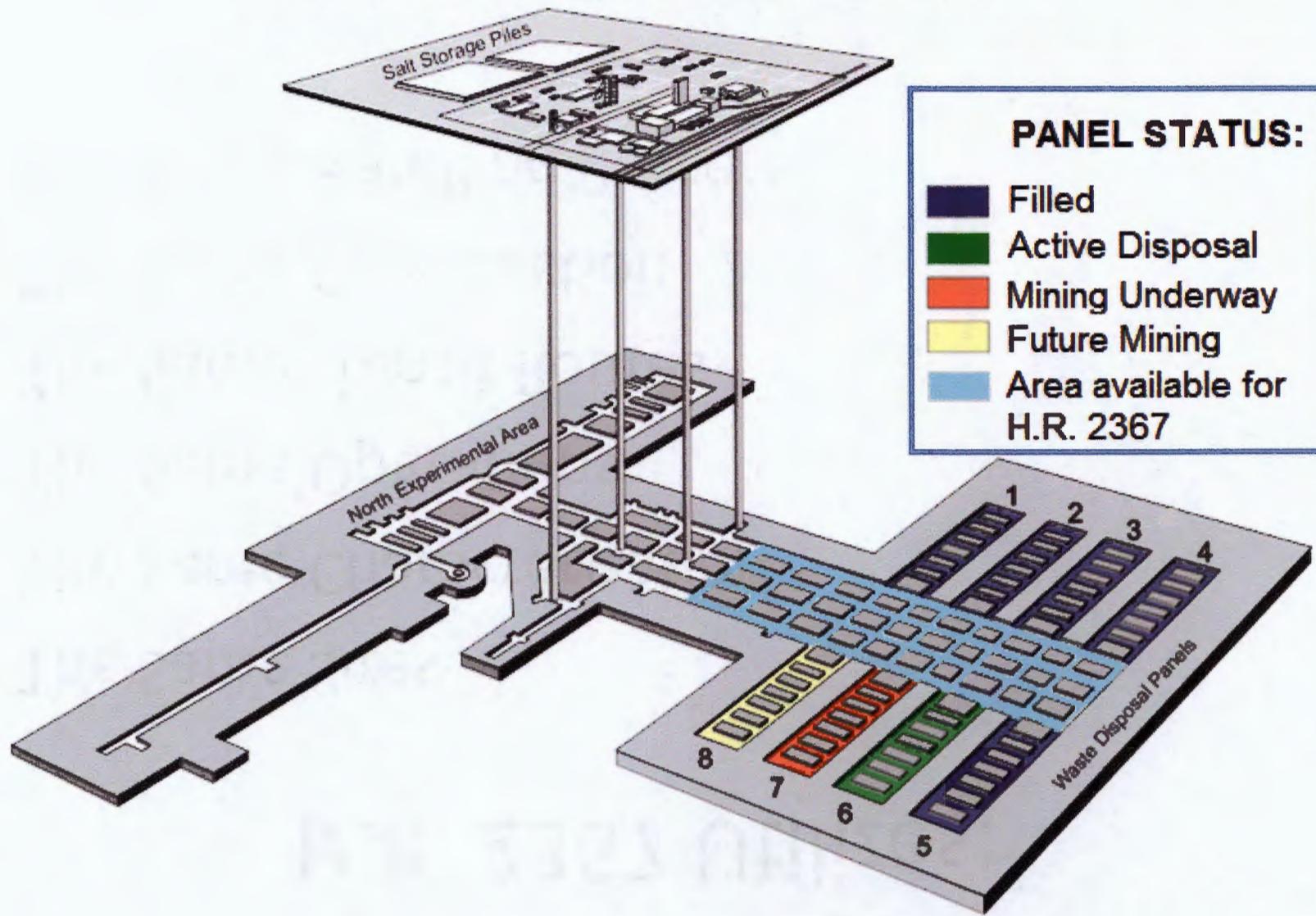
Anticipated Shipments Received Per Week By Fiscal Year



## H.R. 2367 Utilizes:

- The Same Sites
- The Same Characterization
- The Same Operations
- The Same Transit Routes
- The Same Construction
- The Same Handling Process

# No New Construction



# Jobs Without H.R. 2367

- Up to 200 jobs lost
  - One of three shifts of highly-trained waste handling personnel would be lost
  - Experts at generator sites around the country would also lose jobs



- \$26.18M in salaries
- Economic impact to the state would be \$62.57M annually

Notes:

- Managing and operations contractor alone
- Economic impact based on the following document: Lansford, Robert R., Adcock, Larry D.; Ben-David, Shaul; and Temple, John, The Economic Impact of the Department of Energy on the State of New Mexico Fiscal Year 1998