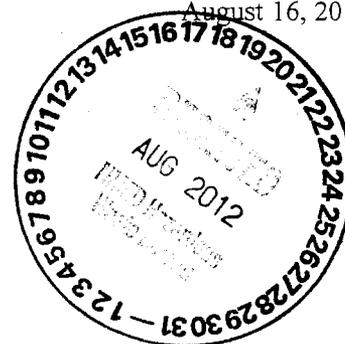




August 16, 2012

Trais Kliphuis  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, N.M. 87505



Dear Ms. Kliphuis:

As an involved resident of Carlsbad who currently serves as the chair of the Carlsbad Mayor's Nuclear Task Force, I would like to comment on the proposed Class 2 permit modification to allow the use of shielded containers at the Waste Isolation Pilot Plant for some remote handled waste.

It is my understanding that this is simply an increased efficiency which will make it easier for generator sites to bring remote handled waste to WIPP. Furthermore, DOE and its contractors have provided ample evidence that this issue should be handled as a Class 2 permit modification request, not a Class 3 request. Previous technical questions have been answered, and I encourage the New Mexico Environment Department to approve this permit modification request.

Sometimes it helps me understand an issue by taking a look at the arguments made in opposition. The web site [www.nuclearwatch.org](http://www.nuclearwatch.org), under a subhead "Speak Out Against More Hot Waste at WIPP!" encourages its visitors to send you a form letter opposing shielded containers. I'd like to address these alleged reasons for opposition.

- Nuclear Watch New Mexico states: *The amount of RH waste shipped to WIPP, stored above ground, and disposed underground would substantially increase.*

This is simply not true. The permittees are not asking for a change in storage capacity or volume limit. In fact, a prior argument made by some of Nuclear Watch's affiliates is that WIPP is falling behind in its RH disposal, which shielded containers could help remedy.

- Nuclear Watch New Mexico states: *Contrary to what DOE says, shielded containers cannot be handled the same as CH waste. Shielded containers that are damaged or leaking might not be able to be placed in over-pack containers without exposing workers and the public.*

"Might not be able" is interestingly speculative language, and the DOE and its contractors explained how overpack containers would be used during the recent hearings. I believe DOE has adequately explained and demonstrated its ability to handle shielded containers.

- Nuclear Watch New Mexico states: *DOE also plans to use shielded containers for hotter commercial waste, expanding WIPP beyond its legal limit of 175,564 cubic meters of TRU waste.*

I don't know what other potential uses of shielded containers the DOE might be considering for the future, but that's an entirely different issue not related to this permit modification. Shielded containers are a tool designed to increase efficiency. Because the waste in the shielded containers will meet all

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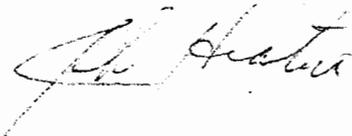
the criteria in the permit, then this argument is like saying we should not allow this waste stream at WIPP because WIPP might want to dispose of more of this waste stream in the future.

Nuclear Watch New Mexico states: *Shielded containers have never been used. NMED denied a similar request on January 31, 2012 because of public opposition and the inadequacies of the request.*

Shielded containers have never been used because the permit modification has yet to be approved. That's the entire point to the permit modification request, and it is a logical fallacy for justifying any opposition. This argument is basically saying we should oppose their use because we oppose their use.

The arguments currently presented by Nuclear Watch New Mexico in opposition to shielded containers have a feel to them of being obligatory placeholders, made only because the group feels compelled to make some sort of argument in opposition to anything at WIPP. I'd like to also note that the use shielded containers would actually decrease the number of RH trucks transporting waste to WIPP, a point that seems lost on its detractors. In fact, due to the increased transportation and waste handling efficiency, shielded containers will actually lessen the already very small risks to the citizens of New Mexico from WIPP operations, thereby making the Nuclear Watch New Mexico opposition actually opposite to the organization's stated goals.

I believe the Department of Energy and its contractors have done an excellent job addressing the technical questions asked by the NMED earlier this year and encourage your organization to approve this permit modification request.



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**From:** [Kyle Marksteiner](#)  
**To:** [Kliphuis, Trais, NMENV](#)  
**Subject:** shielded container letter  
**Date:** Monday, August 20, 2012 12:48:05 PM  
**Attachments:** [shieldedcontainerheaton.pdf](#)

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The following letter is submitted at the request of John Heaton.