

**FW: Class 2 Permit Modification Request for the Waste Isolation Pilot Plant**

Kliphuis, Trais, NMENV

Sent: Tuesday, February 19, 2013 7:22 AM

To: Allen, Pam, NMENV

From: DM [mailto:dmeiklejohn@nmeic.org]**Sent:** Monday, February 18, 2013 9:24 PM**To:** Kliphuis, Trais, NMENV**Cc:** 'Bruce Frederick'; 'Elizabeth Lee'; 'Eric Jantz'; 'Jon Block'; 'Juana Colon'; 'Shelbie Knox'; 'Yana Merrill'**Subject:** Class 2 Permit Modification Request for the Waste Isolation Pilot Plant

From: Douglas Meiklejohn
Executive Director
New Mexico Environmental Law Center

To: trais.kliphuis@state.nm.us

Re: Notification of Class 2 Permit Modification Request for the Waste Isolation Pilot Plant [WIPP] Hazardous Waste Facility Permit Number : NM4890139088-TSDF (December 12, 2012)

Date: February 18, 2013

Dear Ms. Kliphuis:

The following is the comment of the New Mexico Environmental Law Center per the above referenced request for a Class 2 Permit Modification to the WIPP permit in order to allow the U.S. Department of Energy ("DOE") to eliminate the requirement for chemical testing of waste shipments that will be stored at the WIPP.

Occupational and public health and safety mitigate against eliminating chemical inspection of WIPP shipments. For example, OSHA guidelines, intended to protect workers from the kind of potential hazards that could arise if shipment going into WIPP were not as described in the shipping manifests, recommend characterization of hazardous waste. Such characterization requires chemical testing. OSHA manuals on this subject--in particular those dealing with the handling of hazardous waste containers--set forth the variety of potential hazardous to personnel working with such materials. Such hazards can be reduced if the persons handling the waste containers know for certain what is inside. Additionally, where the materials are radioactive, IAEA bulletin TE-1537 describes the concerns over potential injury to workers and the public in the event that radioactive materials are released and recommends characterization of the waste.

Unless the New Mexico Environment Department ("NMED") ascertains that WIPP shipments are as described in the shipment manifests for each shipment, there will be increased risk of accidents to workers handling these shipments and the potential for an accident involving members of the public. Without knowing for certain that what is being shipped into WIPP is as described, the hazardous materials response teams could be exposed, along with WIPP workers and members of the public, to unknown, uncharacterized hazardous and radioactive materials. Choice of the means for containing spills and releases requires as complete knowledge as possible as to what is in a container that is leaking, spilled or breached.

As the mission of NMED is to assure environmental and public health and safety, continued chemical sampling and oversight of WIPP shipments must take place. Relying on the knowledge of the permittee and visual inspections of shipments is not sufficient to provide the requisite level of protection (radiography will not reveal chemical contamination). Only by requiring chemical sampling can DOE, NMED and WIPP operators and personnel be certain that what is going into the repository is what is stated on the shipping manifests--and in that way know for certain what is present in the event materials leak out of the containers at any stage in the entombment process.

Thank you for your consideration of these comments.

Douglas Meiklejohn

References

Notification of Class 2 Permit Modification Request to the Waste Isolation Pilot Plant
Hazardous Waste Facility Permit Number : NM4890139088-TSDF (December 12, 2012)

IAEA, "Strategy and Methodology for Radioactive Waste Characterization" (2007)

www.osha.gov/Publications/complinks/OSHG-HazWaste/11-12.pdf

OSHA 3114 - Hazardous Waste Operations and Emergency Response
www.osha.gov/Publications/OSHA3114/osha3114.html

OS&H Guidance Manual for Hazardous Waste Site Activities - OSHA
www.osha.gov/Publications/complinks/...HazWaste/4agency.html

U.S. Department of Transportation. 1984. DOT 1984 Emergency Response Guidebook.
DOT P5800.3. U.S. Department of Transportation, Washington, DC.

