



State of New Mexico
House of Representatives
Santa Fe

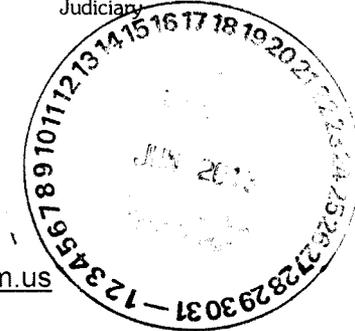
ENTERED

CATHRYNN BROWN

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COMMITTEES:
Chair: Enrolling & Engrossing - B
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Judiciary



Ms. Trais Kliphuis
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469

Trais.kliphuis@state.nm.us

June 9, 2013

Dear Ms. Kliphuis,

Thank you for allowing me to comment on the Department of Energy's request for a Class 2 modification to the WIPP permit. The Waste Isolation Pilot Plant is located in my House district, and I speak on behalf of the vast majority of my constituents when I say we strongly support DOE's request. In fact, I know of no "objectors" in my district to this request.

The department is petitioning that a clause in the permit be removed that excludes certain transuranic (TRU) wastes from Savannah River and Hanford from coming to WIPP. The exclusion of so-called "tank wastes" was added to the permit in 2004 due to concerns about possible chemical incompatibility of mixed wastes. A 2012 study shows, however, that chemical incompatibility is not factually an issue. In all cases, WIPP's waste acceptance criteria (WAC) are and will continue to be applied, ensuring the citizens of New Mexico that wastes received at the repository are in accordance with technical parameters and the law.

While hazardous chemicals within our borders are regulated under the New Mexico Hazardous Waste Act (NMED purview), nuclear waste classification and radioactive components of mixed waste are regulated under federal law. In light of current scientific information, the 2004 prohibition causes me significant concern from the standpoints of federalism and regulatory jurisdiction. I believe the 2004 exclusion is no longer appropriate and should be removed.

I appreciate NMED's vital role in protecting our environment. Thank you for all that you do.

Sincerely,

Cathrynn N. Brown

