nuclear watch new mexico

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Re: Comments to WIPP Class 3 Permit Modification Request To Change The Panel Closure Design At The Waste Isolation Pilot Plant (WIPP) Carlsbad, New Mexico

Dear Mr. Maestas:

We respectfully submit these comments for the WIPP Class 3 Permit Modification Request To Change The Panel Closure Design At The Waste Isolation Pilot Plant (WIPP), Carlsbad, New Mexico. This was announced by Public Notice No. 18-01 and explained by an NMED Fact Sheet dated February 22, 2018.

Nuclear Watch New Mexico seeks to promote safety and environmental protection at nuclear facilities; mission diversification away from nuclear weapons programs; greater accountability and cleanup in the nation-wide nuclear weapons complex; and consistent U.S. leadership toward a world free of nuclear weapons.

We oppose this Class 3 Permit Modification Request (PMR) that would reduce protections for workers and the public and could increase the amount of waste at WIPP. We request that the New Mexico Environment Department (NMED) not approve a panel closure system that is less robust than the currently required system, and to not abandon the existing plans for Panels 9 and 10 without a plan to exactly replace them.

DOE Must Perform a Big Class 3 Permit Modification Request for Expansion of WIPP

Once again, the Department of Energy, Nuclear Waste Partnership, and, if this PMR is approved, NMED are segmenting plans to expand WIPP into little PMR pieces instead of looking at the whole plan.

A major problem with this PMR is the lack of consideration of connected actions and cumulative effects. A federal agency cannot segment proposed actions into small pieces to avoid looking at the big picture. Connected actions must be considered together and not ~~be~~ sneaked in separately. An agency should analyze all "connected actions" and "cumulative actions" in one document. The proposed Panel Closure PMR cannot stand alone without consideration of the replacement of Panels 9 & 10.

Agency "connected actions" are those actions that are tied to other actions, cannot or will not proceed unless other actions are taken previously or simultaneously, or are interdependent parts of a larger action and depend on the larger action for justification. The proposed Panel Closure PMR and all the recent and upcoming PMRs are part of a larger significant change.

"Cumulative actions" are those that when viewed with other actions proposed by the agency have cumulatively significant impacts. Regulations are directed at avoiding segmentation, wherein the significance of the impacts of an action as a whole would not be evident if the action were to be broken into component parts and the impact of those parts analyzed separately. The proposed Panel Closure PMR is part of a larger significant change.

The Carlsbad Field Office should think of this proposed PMR expansively and aim to include rather than exclude connected activities. The proposed Panel Closure PMR is actually a small part of the larger plan to expand WIPP.

Here's a list of pending regulatory items that must be considered together as connected actions to expand WIPP:

- New shaft
- New filter building
- Revised training
- Updates and efficiencies
- Excluded waste prohibition
- Addition of concrete overpack aboveground storage
- Volume reduction
- Additional waste disposal panels
- Others

Safe operations of the WIPP site and along the transportation routes should be the focus – not expansion of WIPP's mission.

Repository Reconfiguration

The Feb. 22 fact sheet states:

> "The revised Permit modification request did not include *Repository Reconfiguration* and *VOC Monitoring Program Changes*. The revised Permit modification did include *Modifications to the WIPP Panel Closure Plan*."

But Repository Reconfiguration is implied. In the modification request, DOE has provided no comparison of the capacity of the previously proposed panels 9 and 10 with any new panels. Apparently, the new panels might hold more waste than the originally proposed panels 9 and 10. This ~~and~~ therefore could effectively increase the amount of waste that could be shipped and disposed of at WIPP.

Cost Savings Estimates Must Be Given

Cost savings were given as a reason for this PMR, but no actual cost saving amounts were given. If savings are claimed, the amounts must be given. Is there a change in cost for the Repository Reconfiguration idea? Is there a change in cost for the new Panel Closure idea? How will taxpayers be compensated for these lesser costs?

Panel Closure Redesign Leaves the Workers Less Protected

DOE plans to use bulkheads and salt to close each waste-filled panel, even though it admits that approach would allow VOCs to be released for at least 20 years because of an estimated 18-inch gap between the salt and the roof. The existing standards require solid walls that cover the drift and would better contain VOC emissions. For panels 1, 2, and 5, a 12-foot thick explosion/isolation wall was required and has been installed. DOE should demonstrate that using bulkheads allows no more VOC releases than explosion/isolation walls and the new Panel Closure System (PCS) should include the measures that most limit VOC emissions.

-In reality, salt cannot be as good of a closure barrier as concrete. DOE states that the new system would be faster, easier, and less expensive and that the more robust system is not needed because there is no likelihood of a hydrogen or methane explosion in a closed panel. The proposed system is definitely less robust, and provides less safety protection for workers and the public, than the approved PCS.
In case of an explosion or roof collapse or other accident, the proposed system would not provide a complete barrier to prevent releases. The bulkheads can control airflow, but are not a barrier to an explosive release, which is provided by the explosion-isolation wall. The approximately 100 feet of run-of-mine salt would not close the tunnel from floor to ceiling, thereby allowing pathways for releases for decades. Although requested to do so, DOE has not provided a public technical analysis of any alternative to its proposal. The single bulkheads are not adequate. Before approving this PMR, NMED should require DOE to provide technical analyses of all alternatives.

Page 3 of the PMR states:

> The Permittees may close Panel 9 in lieu of placing individual closures in Panels 3 to 6 based on ground conditions in the individual panels.

So not only does DOE plan to use a less robust panel closure but also it "may" use less of them. DOE must state exactly what closures are planned for where in this PMR.

DOE has not received approval from EPA for this new closure design. (Pg. 5) This PMR must proceed in alignment with EPA requirements, not in addition to them.

Less Monitoring Would leave Workers in the Dark

DOE plans to change many requirements of the existing underground VOC monitoring system, including eliminating all monitoring of some VOCs, eliminating all monitoring for emissions from closed rooms in an active panel, reducing the frequency of monitoring of all VOCs, and reporting information on VOCs only once a year. Such reduced monitoring would be in addition to the modification that eliminates sampling and analysis of VOCs at the generator sites before containers can be shipped to WIPP. Monitoring must be left in place.

DOE appears to be happy with estimates, general observations, and conclusions instead of facts. WIPP is a Pilot Plant and should be used to gather data whenever possible.

The Rationale For This PMR Must Be Readdressed

Page 8 of the PMR states:

> The current conditions in the WIPP underground have four critical areas that potentially affect panel closure. These areas are:
>
> · Radiological contamination,
> · Routine underground mine maintenance,
> · Operation of the underground ventilation system in continuous filtration mode, and
> · Isolation of nitrate salt bearing waste.
>
> These conditions have necessitated a revised panel closure design that provides the needed protection to human health and the environment while minimizing activities that would resuspend radiological contamination, create excessive amounts of dust, or require workers to spend long periods of time in areas requiring extensive personal protective equipment.

First off, the "Operation of the underground ventilation system in continuous filtration mode" as an area that potentially affects panel closure must be reconsidered. A new shaft and a new filter building are on the way to alleviate this condition. This is an example of not looking at interconnected pieces of the whole picture. Second, the other three conditions are NOT explained in detail and necessitate nothing.

For these reasons and others, we request a public hearing on this WIPP Class 3 Permit Modification Request To Change The Panel Closure Design.

These comments and questions respectfully submitted,

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