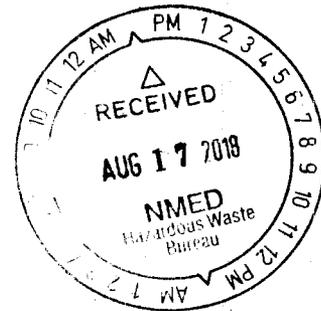


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Subject: Comments on Draft WIPP Permit Issued August 6, 2018

Dear Mr. Maestas, when NMED issued the subject draft permit, it essentially copied DOE's suggested Class 2 permit modification request from January 31, 2018 word-for-word. From February 2 through April 3, public comments were requested, and public meetings in Carlsbad and Albuquerque were held in March. On June 1, 2018, NMED decided to process the proposed Class 2 modification as a Class 3 modification due to "significant public concern" and the "complex nature" of the proposed change". On June 27, 2018, NMED requested clarification and additional information from the Permittees. The Permittees provided a response on July 12, 2018. In its request for comments on the draft permit of August 6, 2018, NMED claims the draft Permit is based on the modification request submitted on January 31, 2018, input from the public as provided during the comment period, and the additional information requested and received by NMED. Yet the draft is essentially a word-for-word copy of the permit modification request originally made by DOE January 31, 2018.

It would seem that NMED is following the statutorily prescribed permit modification process to the letter of the law, while not materially disagreeing with, or modifying any part of DOE's original request. That is a good thing! It indicates that NMED agrees with DOE's proposed bookkeeping clarification. It seems that NMED elevated the permit modification from a Class 2 to Class 3 process based solely upon the basis of "significant public concern", and not on the basis of its "complex nature". NMED is correct in recognizing this proposed change simply as a clarification in accounting and reporting of the volume of waste emplaced in WIPP.

Those opposed to the proposed volume of record clarification claim it will give DOE license to expand the WIPP repository and grow the inventory of TRU waste that eventually could be permanently isolated there. The statutory mission of WIPP is to isolate all TRU waste from defense actions of the United States. The WIPP Land Withdrawal Act does limit the TRU waste volume capacity of WIPP, but that limit is not related to the geographic, geologic, or scientific basis for isolation. As long as NMED can assure the WIPP permittees protect human health and the environment, DOE should be allowed to make maximal use of the WIPP Land Withdrawal Act area, while conforming with statutory capacity limits.

While a public hearing about the permit modification may be requested by any party to the proceedings, the NMED Administrator may determine one is unnecessary. Since NMED clearly recognizes the modification as a simple clarification, it should avoid the delay and cost of a hearing, and issue the draft permit as written. If an unnecessarily contentious hearing must be held, it must be In Carlsbad.

Sincerely...

  
ECHA Board member

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