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Dear Mr. Maestas:

The 16 square miles designated in the 1992 WIPP Land Withdrawal Act provide an enormous area, both horizontally, and vertically through the Salado formation, for isolating defense TRU waste from the environment forever. That is why WIPP was sited almost 50 years ago, where it is today. WIPP is a national treasure. It represents the closing of the circle of nuclear weapons production in our country. Atom bombs were invented in New Mexico, and it is fitting that detritus from their creation be interred in New Mexico as well. It's sort of a "born here...buried here" argument.

NMED hazardous waste regulations' prime intent is to ensure the protection of human health and the environment. If an applicant for a disposal permit can show hazardous waste disposal meets these regulations, NMED does not have the authority to limit the amount of waste projected to be emplaced. The DOE's permit modification request does not seek to expand WIPP. It simply clarifies how volumes of waste are counted and reported to its regulatory oversight entities. Those opposed to this permit modification claim that it will expand WIPP because it decouples the hazardous waste volumes in each disposal unit permitted by NMED from the TRU waste volume capacity, which was legislatively limited in the WIPP Land Withdrawal Act.

The proposed volume of record clarification does imply that the number of disposal units that NMED would eventually be asked to permit will increase beyond the originally planned ten disposal panels. There could be as many as 15. But the level of protection of human health and the environment will not decrease. Whether the final disposal of the America's TRU waste will require 10 disposal units or 15 disposal units is not the question that NMED must rule upon! NMED must avoid arguing for or against the controversial claim that clarifying the volume of record will "expand" WIPP. NMED must focus on whether the DOE disposal practices, and its permit requirements, protect human health and the environment. NMED should issue the draft permit as written. NMED should also avoid the spectacle (and time and cost) of a public hearing.

Sincerely,

Jay Jenkins  
Member  
Mayors Nuclear Opportunity Committee

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