

Attorney General of New Mexico

HAL STRATTON
Attorney General

JAMES O. BROWNING
STEPHEN WESTHEIMER
Deputy Attorneys General

*file
WIPP*
P.O. Drawer 1508
Santa Fe, New Mexico 87504
505-827-6000



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Contact: Duncan Scott
827-6000

Stratton Announces WIPP Agreement

CARLSBAD -- Attorney General Hal Stratton has announced that New Mexico and the U. S. Department of Energy (DOE) have resolved remaining questions about the Waste Isolation Pilot Plant (WIPP) near Carlsbad. The agreement between DOE and the State will result in amendments to the Stipulated Agreement and the Consultation and Cooperation Agreement.

Earlier, DOE and the State had agreed through the Attorney General's Office that the Department of Energy would assist in seeking \$190 million in highway relief funds for WIPP. DOE has agreed to assist the New Mexico congressional delegation in obtaining these funds through a special appropriation or by having them placed in the Department of Transportation budget. The funds would be used for:

1. Carlsbad by-pass (Eddy County Loop Route);
2. Hobbs relief route;
3. Roswell relief route;
4. Artesia relief route;
5. Santa Fe by-pass; and
6. Los Alamos/Santa Fe relief route.

In addition to agreeing on highway funds, the State and DOE have agreed to amend the "Agreement for Consultation and Cooperation" on environmental issues in the following ways:



1. DOE has agreed to a prohibition on non-WIPP mining and drilling at the WIPP site in perpetuity. DOE will further devise ways to protect the site by enforcing this policy for the longest time possible after decommissioning.

2. The parties have agreed that the transportation of radioactive waste to WIPP shall comply with the applicable regulations of the U. S. Department of Transportation and with any applicable corresponding regulations of the U. S. Nuclear Regulatory Commission. All waste shipped to WIPP will be shipped in packages that the Nuclear Regulatory Commission has certified for use.

3. DOE has agreed to comply with the provisions of Part A of the Environmental Standards of the Environmental Protection Agency for the management and disposal of spent nuclear fuel, high-level, and transuranic wastes (40 C.F.R. 191, Part A) upon receipt of any radioactive waste at the site. DOE further agreed to comply with the assurance provisions of Part B before receiving any waste at the site and with the containment provisions of Part B before more than 15% by volume of the transuranic waste capacity of the Waste Isolation Pilot Plant is received at the site.

4. DOE shall use both engineered and natural barriers to isolate the radioactive waste after disposal and compliance with the Environmental Protection Agency (EPA) standards. The barriers shall include, at a minimum, properly designed backfill, plugs, and seals at the drifts and at panel entries, and plugs and seals in the shafts and drill holes.

5. At the conclusion of the WIPP project, DOE shall dispose of residual salt tailings extracted from the WIPP site in an environmentally acceptable manner, to be determined in consultation with the New Mexico.

6. The parties have agreed that DOE has no present intent to reorient the underground storage area toward the northern half of Zone II, as that zone is described in the WIPP Safety Analysis Report. In the unlikely event that DOE develops plans to reorient the storage area toward the north, DOE agrees to provide all available information and analysis about those plans to the State for review and comment at least 45 days before making a decision to reorient the storage area. If the State, after consulting with DOE about the State's comments, believes its concerns remain unresolved, the State may request that the matter be considered under the conflict resolution procedures set forth in article IX of the Agreement.

"We are quite pleased with the amendments to the agreement," Stratton said. "We believe that these amendments will ensure the highest possible degree of safety for New Mexicans in the operation of WIPP."

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