



ENVIRONMENTAL EVALUATION GROUP



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Testimony
to the
Radioactive and Hazardous Materials Committee
New Mexico Legislature

WIPP Land Withdrawal Bill - Update

By

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Director


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Mr. Chairman, Members of the Committee:

Thank you for the invitation to provide an update on the status of the WIPP Land Withdrawal legislation.

An Act of Congress is required to assign permanent ownership of land to an agency. For WIPP, the U. S. Department of Energy has requested Congress to assign the land to them in perpetuity for the permanent disposal of transuranic waste. The Secretary of Interior, however, can withdraw land on a temporary basis by administrative procedures and this was done at WIPP for the Site and Preliminary Design Phase (SPDV) of the Project.

On the Senate side, the 7/12/88 Senate Substitute S1272, which has been cosponsored by Senators Jeff Bingaman and Pete Dominici, is scheduled for markup on August 4th by the Senate Energy and Natural Resources Committee. 

There are a number of competing interests in the content of the bill. For example, Senator McClure of Idaho has been reported in the press that he may oppose shipments of any additional TRU Waste from Rocky Flats to Idaho if there is a substantial delay in removing the wastes from Idaho. The question has also been raised whether the wastes would be returned to Idaho in the highly unlikely event that retrievability proved necessary.

While the proposed legislation has already undergone a number of changes, it may undergo a number of additional changes as well.

All of the Members of the New Mexico Congressional delegation have been working very diligently in trying to come up with a thorough, fair, and equitable solution in addressing the public health and safety and other concerns of New Mexico.

The principal features of S1272 are as follows:

Management

The Secretary of Energy shall manage the lands withdrawn by the Act and shall consult and cooperate with the State of New Mexico in discharging those responsibilities. Grazing will be in accordance with the Federal Land Policy and Management Act of 1976. The Secretary may enter into cooperative agreements with the Secretary of the Interior and the State of New Mexico to help in the management.

Experimental Program Plan

Within ninety days of enactment, DOE shall prepare a plan of the experiments to be conducted at WIPP in consultation with NAS, EEG, and EPA.

The experiments will measure brine seepage and gas generation, demonstrate compliance with EPA standards, and assure the protection of the public health.

A mechanism is established for EEG to invoke conflict resolution if the experiments pose undue risk to health and safety of the public or do not fulfill their intended purpose.

Other Features

It requires DOE to meet Subpart A of the EPA Standards before storing waste at WIPP and complete their demonstration of compliance with Subpart B before permanent disposal can occur. EPA must certify that they are satisfied with the demonstration.

Shipments of radioactive waste for the Los Alamos National Laboratory are prohibited until other available sources of comparable waste have been exhausted.

All high level waste experiments at WIPP are prohibited.

The Bill also:

1. Directs DOE to remove all radioactive waste from WIPP if it fails to comply with the Subpart B standards by October 1993;
2. Limits the amount of waste to only as much waste as is needed for waste experiments to demonstrate compliance with EPA standards for the disposal of radioactive wastes - and in no case more than 3% of the total capacity of WIPP - until DOE demonstrates compliance with EPA standards for the disposal of nuclear waste;
3. Limits the amount of waste that can be stored at WIPP after compliance with EPA standards for the disposal of radioactive wastes has been demonstrated to only as much waste as is needed for operational experiments - and in no case more than 15% of the total capacity of WIPP - until 1993;
4. Authorizes \$200 million for the completion of the WIPP road system, including the Santa Fe, Roswell, Hobbs, Carlsbad, and Artesia bypasses and the Los Alamos-Santa Fe alternate route;
5. Mandates that waste bound for WIPP must be transported in canisters approved by the Nuclear Regulatory Commission and that the State of New Mexico and local governments shall be notified in advance of any waste shipments.;
6. Requires DOE to provide emergency response training for State of New Mexico, tribal, and local public safety officials before any waste is shipped to WIPP and throughout the time during which waste is shipped to WIPP;

7. Directs DOE to prepare a program for experiments at WIPP to investigate brine seepage and gas generation; to demonstrate compliance with EPA standards for the disposal of nuclear waste; and to test the operational system at WIPP;
8. Requires DOE to demonstrate annually during the experimental phase that the waste being used in experiments at WIPP is retrievable and, thus, will not be permanently stored at WIPP if WIPP fails to meet EPA standards for the disposal of radioactive waste;
9. Mandates that EPA promulgate its proposed standards for the disposal of radioactive wastes within 18 months of enactment and issue its final standards within 3 years of enactment;
10. Stipulates that DOE will encourage business and employment opportunities at WIPP for New Mexicans, particularly those in Lea and Eddy Counties;
11. Provides \$50 million to the State of New Mexico to offset the expense of having WIPP located in the State;
12. Directs DOE to make annual impact assistance payments and payments equivalent to taxes to the State of New Mexico and local governments to mitigate the impact of WIPP;
13. Reestablishes the Environmental Evaluation Group as a part of New Mexico Institute of Mining and Technology;
14. Withdraws the 10,240 acre WIPP site - thus prohibiting the development of the minerals underlying the land - and transfers the land to the Department of Energy for the purpose of operating WIPP as currently authorized;
15. Directs DOE to consult and cooperate with the State of New Mexico in managing the WIPP site; and

16. Protects existing grazing, allows hunting and trapping, and preserves the wildlife habitat at the WIPP site.

On the House of Representative side, HR2504, a companion bill to S1272, which was introduced by Congressmen Joe Skeen and Manuel Lujan, was referred to the House Committee on Interior and Insular Affairs. Congressman Bill Richardson offered a substitute HR2504 bill which was subsequently accepted by the Committee. HR2504 has also been referred to the House Armed Services Committee as well as the Committee on Energy and Commerce. While the bill is similar to the Senate bill in many ways, the principal features of the Richardson Amendment that differ are as follows:

Management of Withdrawn Lands

The Secretary of the Interior shall manage the lands withdrawn by the Act pursuant to the Federal Land Policy and Management Act (FLPMA) of 1976 which would permit grazing, protection of wildlife, control of predatory and other animals, and recreation, provided that the Secretary of Energy concurs with such activities. Sec. 103(a). The Secretary of the Interior shall develop a management plan in consultation with the Secretary of Energy and both Secretaries shall jointly issue a memorandum of understanding to implement the plan.

Experimental Programs

Experiments to evaluate the impact of brine reservoirs at WIPP are explicitly required.

High Level Waste

High level waste experiments are eliminated.

MB

✓ Water Management and Supply Committee
 ✓ Environmental and Public Water Supply Committee
 ✓ VEIB is responsible, for large Overhead

G. Water

MAJOR PROBLEMS, Federal Government
 Like to be independent of state control

R.M. GW. Adv. for the future

4 public utilities, Oct 1987, 3rd order of priority

Limited state to allow GW discharges,
septic tanks, etc.

SAVANA \$ fund for G.W. studies yes done
 SILVA water for education, studies

SEPTIC TANKS? - R.M. yes
 good STAR to PM for studies

KITZ - study committee on SJ6 - WGL and YJ

MARK - SLD - study yes MB yes,
GLWA study studies

Compliance with EPA Standards

The Secretary of Energy shall comply with the EPA Standards for the Management and Disposal of HLW and TRU Waste (40 CFR 191) prior to the receipt of transuranic waste at WIPP.

No waste shall be brought to WIPP until EPA determines that the standards have been met.

EEG shall make a determination on whether the Secretary of Energy has complied with the standards.

Both EPA and EEG will submit their determinations to the State of New Mexico, key Congressional Committees, the National Academy of Sciences and other groups.

EPA shall publish proposed environmental standards for disposal of TRU waste in the Federal Register in twelve months.

EPA shall publish final environmental standards for the disposal of TRU waste within two years after the date of enactment of this Act.

Transportation

Beginning October 1, 1989, \$200,000,000 will be appropriated for highway construction and upgrading.

No waste shall be transported from LANL to WIPP until:

- A. All the funds necessary for the cost of construction of the Los Alamos/Santa Fe Relief Route and the Santa Fe bypass have been appropriated by Congress and the State of New Mexico, or
- B. The Los Alamos/Santa Fe Relief Route and the Santa Fe bypass have been completed.

Emergency Preparedness

DOE shall provide in-kind, cash, and technical assistance for emergency response-related activities to the State of New Mexico and any State or Indian tribe affected by the transportation.

The Secretary of Energy shall provide annual grants to the State and local governments equal to the amount they would have received were they authorized to tax the development and operations of WIPP. The grants would continue until decommissioning.

NRC shall certify all shipping containers to be used to transport waste to WIPP.

The Secretary of Energy shall work with other agencies to identify safe havens.

No waste shall be transported through an area if the affected local government can identify a significantly safer route, which is one possessing a statistically significant lower probability of an accident. DOE is encouraged to work with all state and local jurisdictions to develop the best overall route.

Economic Assistance

The Secretary shall pay New Mexico \$10,091,000 for the fiscal year 1989 and each of four subsequent fiscal years.

The Secretary of Energy shall provide financial and technical assistance to New Mexico and to affected local communities comparable to the assistance provided Nevada under the Nuclear Waste Policy Act. Such funds may be used to develop a request for impact assistance. A mechanism is established to document the impact and establish a binding agreement between the State of New Mexico and DOE.

Spencer - you talked about
Apr. 1 - in N.C.

R.N. - of exposure to
Mussie the High School disease
in W.

CC - what diff between 2 types of work

CH - 60000 μft^3

RH TRV - 20000 μft^3

HL - 10000 μft^3

all dangerous.

~~XXXXXX~~
Dr. C - ~~*~~ No. prop. show up any work for certification

with for 100000 μft^3 in the room.

50000 μft^3 . At N.C. State
to be used. Company has about
100000 μft^3 test to
be certified to a
respiratory

A grant of \$5,000,000 shall be provided New Mexico during the fiscal year 1989 to enable the State and affected communities to commence an impact mitigation program.

Decommissioning of WIPP

Within five years of passage of the Act, DOE shall publish their plans for decommissioning, including plans for active and passive institutional controls and shall consult and cooperate with New Mexico in the preparation of the plan.

Conflict Resolution

A system is established to permit EEG to invoke conflict resolution on health and safety matters. A third party Hearing Officer shall be mutually appointed by both parties and the Secretary of Energy shall make the final decision on the matter. Prior to the Secretary's resolution, the Secretary may commence any action by written authorization if the Director of EEG agrees in writing.

Limitations

Limits are specified for external gamma dose rate and quantities of radioactivity.

Title II - Establishment of an Independent Scientific Review Group for WIPP

The provisions contained in Title II have been incorporated in the Department of Defense Authorization Bill, which has been passed by the House of Representatives and the Senate and transmitted to the White House for the President's signature.

The scientific evaluation group established in 1978 shall be reestablished as the Environmental Evaluation Group and exclusively administered through a contract with New Mexico Institute of Mining and Technology.

Hawk Q: A part of A must follow
uniform RPs. However
not strict. Following previous
to follow old standards.

Other time limit is held.

Q → Delayed from ...
Don't hold

Q → Worked hard for studying
Juggling the ...
(Booker change in ...
Cultural ...)

...
...
... - RN. Difficult to
...
... - RN - ...
... experiments
...
Little economic benefit to state - not
... needed for ...

...
Cut 70% of total ...
being ...

SALAZAR

IF No. ... well
... policy

The EEG shall consist of senior scientists representing scientific and engineering disciplines needed for a thorough review of the WIPP, including such disciplines as geology, hydrology, health physics, environmental engineering, probability risk analysis, mining engineering, and radiation chemistry, as well as appropriate support staff.

The Director of the EEG shall be appointed by, and shall report directly to, the President of the Institute. The Director shall appoint all other staff.

The EEG shall have offices both in Carlsbad and Albuquerque.

The EEG shall be responsible for evaluating technical information on the WIPP.

The EEG shall disseminate its findings and analyses through publication of reports, articles in reference journals, presentations to learned scientific society meetings, and pamphlets and brochures for the lay public. No approvals from any source outside the EEG itself shall be required prior to publication of the findings of the EEG.

The EEG shall evaluate the scientific and technical status of the WIPP in an objective manner, independent of outside influences, in order to protect the long-term health, safety, and environmental interests of the residents of the State of New Mexico.

SALAZAR = Q

RITA enters prison on moral work
is FBI paper, but not beyond
Bills to the RN - year

11/11/1941 - 11/11/1942
1st of 1000 - 1st of 1000
11/11/1941 - 11/11/1942
1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000

RN EE on 10/10/1941, but always in prison
on 10/10/1941 for 1000

SALAZAR Q 1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000

SALAZAR Q 1st of 1000 - 1st of 1000
RN - 4 = 1000

Q = 1st of 1000 - 1st of 1000
on 10/10/1941 - RN
1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000

Q 1st of 1000 - RN
1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000
1st of 1000 - 1st of 1000