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**NEW MEXICO CHAPTER
AMERICAN PUBLIC WORKS ASSOCIATION**

State of New Mexico
Environmental Improvement Division
P.O. Box 968
Santa Fe, New Mexico 87504

August 8, 1988

Attn: Mr Kirkland L. Jones, PhD

RE: APWA Fall Meeting

Thank you for agreeing to update our members of the New Mexico Chapter of American Public Works Association on the State's "Environmental Concerns of the WIPP Project". Our semi-annual meeting will be held at the Ramada Classic Hotel, in Albuquerque, NM, on October 27 and 28, 1988. Your presentation is scheduled for 9:30 AM to 10:15 AM on the 28th.

Prior to the meeting please send me your biographical sketch with pertinent data to assist me in your introduction.

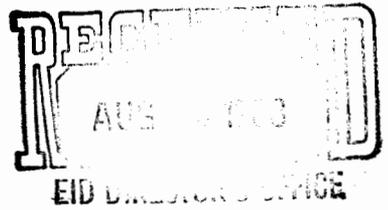
Please advise me if you presentation will require audio visual assistance. I will be in contact with you just prior to the conference to finalize all arrangements.

Sincerely,

American Public Works Association

R. LeRoy Givens,
Vice President

c/o Boyle Engineering Corporation
6400 Uptown Blvd., NE, Suite 600-E
Albuquerque, New Mexico 87110
(505) 883-7700



Speech to N.M. Chapter American Public Works Association

Greetings

Good morning ladies and gentlemen. thank you for the opportunity to discuss with you the Environmental concerns of the EID with regards to the WIPP project. I am frequently asked to defend the actions of the state with regards to WIPP but this is a unique opportunity. No other group has asked me to discuss our concerns. Thank you.

Before I proceed to concerns let me provide you with some background from our perspective. Production of nuclear weapons and operation of National Defence reactors has produced a large quantity of radioactive waste. This waste takes the form of High-level, transuranic, and low-level waste. During the 1940's the decision was made to bury all radioactive waste in trenches. By 1950 a Committee of the National Academy of Science suggested the High-level waste should be placed in repositories in a salt formation. Studies in the use of salt beds lead to a 1970 proposal to establish a high-level repository in a salt mine in central Kansas. The proposal failed.

After the Kansas proposal was rejected the USGS evaluated numerous other sites and by progressive elimination arrived at the current site in Eddy County. Work on a conceptual design for a repository began in 1975 but for TRU wastes--

TRU Waste is much less radioactive and requires less safeguards.

In 1980 Federal Legislation was passed which established WIPP. It also restricted WIPP to defense related radioactive waste; prohibited the licensing of WIPP by NRC, and to the dismay of the state omitted any veto power by the state. The Mission was defined to provide a research and development facility to demonstrate the safe disposal of radioactive wastes. These events were very distressing to state officials who had anticipated a greater state role in regulating this facility.

In 1983 DOE issued a FINAL IMPACT STATEMENT and

began construction of the repository despite numerous state concerns and objections. Some of these concerns were:

- * no state voice in the selection of the site
- * No NRC or State license
- * Uncertainty about the R & D aspect of the facility with regards to experiments with High-level waste
- * The perception of unique economic benefit to the southeastern portion of the state.

Over the years many events have shaped the project but some issues still remain:

- * WIPP still does not require a state permit and the state does not have a clear regulatory role
- * WIPP does not need an NRC or EPA License but DOE has agreed to have NRC certify the shipping container
- * High-level waste experiments are not now planned, but little information is available about the experiments which are to be conducted during the first 5 years
- * Some areas of the state and many other states feel that the risk of WIPP operations are greater than the local benefits.

What is the Waste----TRU

TRU Waste is trash typical of chemical laboratories except that it is contaminated with very small amounts of alpha-emitting radionuclides with an atomic number greater than 92 and a half-life longer than 20 years. In other words elements heavier than Uranium which emit a radiation which travels short distances, and which will remain radioactive

for long periods of time. The level of radioactivity is expressed as greater than 100 nanocuries per gram- waste which is less radioactive is termed low level and is in general still buried in trenches as it was in 1940. If you were to look at the waste it would contain common items- rags, gloves, tools, cement blocks etc. Free liquids, powders, gasses in containers, and explosive materials are not permitted. They must be treated first. TRU waste is placed in plastic bags and then into lined 55 gal. drums or special metal boxes.--- the drums and boxes are for ease of handling and shipping. They may provide some protection when the waste is placed in the repository but this is a minor aspect.

The 55 gal. drums and metal boxes will be shipped by truck or railcars. Contact-handled waste-- that is waste which has a surface rate of 200 milirems per hour-- a radioactivity level low enough to permit workers to handle the drums by hand--will be shipped in TRUPACK II transport containers--3 to a flat bed trailer. REMOTE -Handled waste- waste with a higher activity level will be shipped in special casks which have yet to be designed. I predict that they will be shipped by railcar. Once the containers reach WIPP the 55 gal drums and shipping boxes will be removed from the TRUPACK or CASK. This will be done inside the waste handling building. They will be moved by lift down roughly 2150 feet to the emplacement level and stacked in rooms. Eventually the Salt will creep in and encapsulate the waste. The salt--not the 55 gal drums-- will isolate the waste

STATE ENVIRONMENTAL CONCERNS

In broad concept the WIPP project appears to be a viable concept but there are some concerns and issues which we feel have not been resolved.

TRANSPORTATION

EID Staff have observed the testing of the TRUPACK II and we have reviewed the general engineering design of TRUPACK II.

If it passes the NRC review, Trupack II will be a safe shipping container and it will be acceptable to the State of N.M.

We have some concerns with the lightweight trailer and

would like to have a commitment from DOE on a frequent inspection.

We would also like to see the details of the contract between DOE and the shipping company in order to review

- * driver qualifications
- *Onboard safety equipment
- *training of drivers
- *procedures for breakdowns and bad weather
- *prohibitions against use of unauthorized routes.

All of the states along the routes are likely to inspect the load as it enters their jurisdiction- At least New Mexico does. We would like to see the DOE procedure for handling state or DOT violations and for excessive radiation.

SURFACE OPERATIONS

The waste handling building will be maintained under a negative air pressure in order to prevent any material from escaping in the event of a spill. The air will be monitored prior to being exhausted and in the event radioactivity is detected high efficiency filters will be employed to prevent any loss to the environment.

Because of the importance of this system we would like to see the system tested frequently. We are concerned that the radiation detectors may not function as fast as needed. Our analysis suggests that natural background radiation may be high enough to mask a release until the situation becomes critical. We are also concerned that salt dust may accumulate on the detectors and mask them.

We have not yet been able to review the Safety Analysis Report or operational procedures for handling the drums within the waste handling building. We would like to see an analysis of the frequency of accidents during the unpacking and handling of the drums.

SURFACE IMPACTS

Release to ground water--- Despite a great deal of rhetoric I feel that there is no evidence of a mechanism by which radiation from the TRU waste can be released to ground water. The

existence of the extensive salt formation clearly shows that there is no natural process for the flow of water through the salt. All other scenarios would require extremely high pressures to be built up. Pressure far in excess of anything seen to date

Formation of "SLURRY"

Some individuals are concerned that moisture forced out of the salt will combine with the waste to form a slurry. Evidence presented to date does not suggest this is a problem for the following reasons

- * the estimated volume of brine is so low that reaction with the drums and the solid waste part of the moisture.
- * The brine will be present for a short period of between closure and the encapsulation by the salt-- about 100 years-- after which the brine could be expected to be reabsorbed by the salt

We would like to see experiments conducted during the first 5 years to validate the volume of brine, the rate of encapsulation, any methods for speeding up the encapsulation, the benefit if any of adding bentonite to the backfill and confirmation that the brine will be reabsorbed by the salt over the long term.

INTRUSIONS

Some individuals have suggested that it is possible under a specific series of events to have a release to the surface. The sequence assumes that all records of WIPP are lost, that all surface monuments are lost, that a slurry exists and that drilling exploration is being conducted at the WIPP site.

I do not believe this scenario has been reviewed critically enough. It suggests that the individual doing the exploration is unable to detect the subsurface anomaly-- the remains of the waste-- I feel that anyone with the technology to conduct the exploration will have the technology and reason to detect and avoid the remains of WIPP even if he does not know its history.

In deference to those who are concerned about this

possibility we would recommend that DOE conduct the necessary calculations to determine the volume of bentonite needed to prevent even localized pools of brine and that DOE examine the feasibility of detecting a man made anomaly at the depth and conditions which will exist after closure. We would like to review DOE's Plans for the construction of permeate surface marker

Mixed waste issue

During production of TRU waste some of the materials will come into contact with and may be contaminated by hazardous chemicals. because of an administrative decision these wastes are now subject to regulation under RCRA as well as the atomic energy act. Current state law does not allow EID to regulate WIPP waste as hazardous waste. EPA refuses to permit the WIPP facility because the State of N>M> has started the process of assumeing full RCRA authorizattion--- we have a regulatory void here. Colorado has the authority to regulate mixed waste and under its authority must require that all mixed wast in transit be manifested to a permitted facility-- but WIPP can not be permitted thus we have an impass.

The state of New Mexico will review its state law during the upcomeing legislative session. If our law is changed, EID will promptly apply for the mixed waste authority. I assume DOE will quickly apply for the necessary permit. The process will take several months in order for a permit to be reviewed under the best of circumstances.

GOVERNOR ANDRUS of Idaho is refusing to allow any additional waste from Colorado to be stored in his state.

GOVERNOR ROMER of Colorado is refusing to allow DOE to increase it's temporary storage of TRU waste at Rocky Flats . It can be expected that the current storage will be exausted within a short time.

E I D has been asked if the state of NEW MEXICO would consider allowing TRU waste to be stored at any facilities. The answer to that question is very clear. We will not allow the

importation of TRU waste from any other state for storage at any facility within the state of New Mexico.

thank you for your attention and this opportunity to discuss this important issue.

Idaho Firm on Barring Atomic Waste

Continued From Page 1

tory are owned by the Energy Department.

Today the red boxcar, painted with warning signs, sits in political limbo behind an old granary in this southeastern Idaho town, which proclaims itself the "Potato Capital of the World." It is guarded by several Idaho State Police officers, a detective from the Union Pacific, and a safety specialist from the Idaho laboratory.

Experts said they knew of no legal cases involving a dispute between a state or local government and the Federal Government over the storage of very radioactive waste. But New York City and the State of Connecticut tried to ban the shipments across their borders of such high level waste.

Brookhaven National Laboratory, in Upton, L.I., has operated a nuclear reactor since 1954 and had been shipping its spent fuel, which is highly radioactive, by truck through New York to the Idaho laboratory, where it was reprocessed to recover valuable materials.

In 1976, New York City banned such shipments, forcing the Brookhaven laboratory to send its trucks over a ferry to Connecticut. That state then sought to bar the shipments too. After a long battle in government and in the courts, New York lost its case.

Softball-Sized Triggers

Idaho's action has posed a serious threat to the continued operations of Rocky Flats, the only plant in the country that turns plutonium into the softball-sized atomic bombs that serve as triggers for nuclear warheads.

Governor Andrus said he will not allow the boxcar into the laboratory grounds, and a spokesman for the Energy Department, David Jackson, said the department will not use force to move the railroad car.

"We would like to work out an amicable solution with Governor Andrus," Mr. Jackson said, "but we don't see a solution now."

Governor Andrus said Colorado, where the radioactive wastes originated, should take the boxcar back. But Cindy Parmenter, a spokesman for Gov. Roy Romer of Colorado, said Governor Romer believes the Energy Department is responsible for it.

Not Welcome in Colorado

"Governor Romer doesn't want it back and doesn't want any long-term storage at Rocky Flats," said Ms. Parmenter.

"It's like the garbage barge from New York, only it's got steel wheels on it," Governor Andrus said, referring to the barge from New York that wandered the Atlantic Coast all the way to Mexico for months.

Governor Andrus imposed his ban after repeated warnings over the past few months that Idaho was running out

The Governor says he can resist 'till you can step on my beard.'

day," said Sgt. Dennis Hall of the Blackfoot police department. "It's been in the papers, but nobody's been there even wanting to look."

A precedent of sorts for the current controversy has involved the determi-

nation of South Carolina to reduce the amount of low-level radioactive wastes for disposal at a commercial repository in Barnwell, S.C.

In the early 1980's the Governor of South Carolina repeatedly threatened to close the repository, one of only three in the nation, to wastes from outside his state. In response, Congress passed a law calling for the establishment of such repositories around the country, and allowing states to bar low-level wastes if they entered into regional compacts for waste disposal.

But high-level wastes, of the kind being shipped to Idaho, are a Federal responsibility.

False Reports Laid to T.V.A.

WASHINGTON, Oct. 22 (AP) — The Nuclear Regulatory Commission has concluded that the head of the Tennessee Valley Authority's nuclear power program repeatedly made false statements to the commission about a plant under construction near Spring City, Tenn.

But although these statements constitute a violation of Federal rules, the commission says, it has decided, "as a matter of prosecutorial discretion," not to pursue action against the official. The commission has also decided not to fine the T.V.A., because "a civil penalty for this matter is not necessary to further focus the attention of either T.V.A. or the industry on the importance of complete candor" in dealing with the commission.

The commission's findings were contained in a letter sent Friday to Marvin Runyon, the T.V.A.'s chairman. It concerns a letter written to the commission in March 1986 by Steven A. White, the T.V.A.'s nuclear power chief.

In that letter, Mr. White said there had been "no pervasive breakdown of

the quality assurance program" at the Spring City plant. He gave a similar report in a follow-up letter and in statements to commission investigators, adding that he had received a review of the program by outside experts.

In fact, according to commission testimony to Congress and according to Friday's letter, Mr. White had not even spoken with seven of the nine people he identified as constituting the outside review group, and the two people he did speak with had not reviewed the T.V.A.'s quality assurance efforts but had only given opinions of the work of an earlier in-house group.

"No one identified by Mr. White as being a member of the second group understood there to be such a group," the commission's letter said.

In response to the commission's findings, the T.V.A.'s board of directors issued a statement defending Mr. White while praising the commission's decision not to pursue a penalty. The statement said the board believed that Mr. White "did not intend to mislead the N.R.C. on this or any other matter."

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