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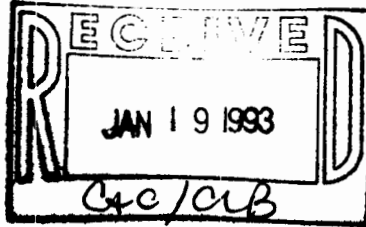


JUDITH M. ESPINOSA
SECRETARY

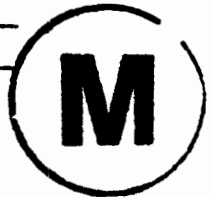
RON CURRY
DEPUTY SECRETARY

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January 11, 1993



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- X Reed
- X Trego



Larry Ledford
Westinghouse Electric
Carlsbad, NM 88001

Dear Mr. Ledford:

On behalf of the New Mexico Environment Department (NMED), I would like to extend to you my appreciation for assisting the Department in its technical evaluation of the Part B Waste Isolation Pilot Plant (WIPP) Application.

The NMED has reviewed all written and verbal presentations given at the meetings held concerning the WIPP Application on November 9, in Las Cruces, November 10, in Roswell, November 16, in Santa Fe and November 18, in Raton. In addition, all letters submitted to NMED regarding the WIPP Application were reviewed and evaluated.

Verbal and written responses to comments on the Wipp Application which were of a technical nature were summarized and compiled. The enclosed document represents this effort and is being sent to you for your information. Several of the technical comments were incorporated into a Notice of Deficiency document submitted to DOE/WID regarding the Application.

If your comments were not of a technical nature, and therefore not addressed in the document, I want to assure you that your efforts were not in vain. Hearings on the WIPP Application will be held sometime in 1993 which offers a forum for concerns which are technical and non-technical in nature. I invite you to reiterate your concerns at those projected hearings.

In addition, all non-technical comments received have become part of the permanent record of the Wipp Application file.

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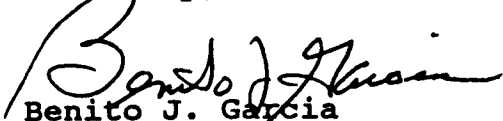
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Thank you again for your participation. If you have any questions concerning the enclosed document, you may call me or Barbara Hoditschek at (505) 827-4308.

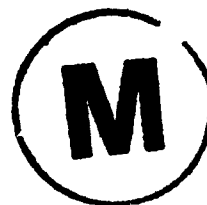
Sincerely,



Benito J. Garcia
Bureau Chief
Hazardous & Radioactive Materials Bureau

BH:BJG:cj

Enclosure



SUMMARY OF PUBLIC COMMENTS AND THE NEW MEXICO ENVIRONMENT DEPARTMENT

RESPONSES ON THE

WASTE ISOLATION PILOT PLANT PART B PERMIT APPLICATION



To obtain the legal right to treat, store, and/or dispose of regulated hazardous wastes, a facility must formally apply for a Resource Conservation and Recovery Act (RCRA) permit. Each application must be facility-specific and must describe the proposed hazardous waste management activities to be performed and the specific hazardous waste management units (HWMUs) in which wastes will be managed. Upon submittal, each application is reviewed by the appropriate State and/or Federal agency for completeness and technical adequacy.

The Department of Energy, Waste Isolation Division (DOE/WID) has submitted a RCRA Part B Permit application for the Waste Isolation Pilot Plant (WIPP), Test Phase, to the State of New Mexico Environment Department (NMED). The Test Phase is a period of time during which various tests will be performed to determine suitability for long-term disposal of transuranic (TRU) waste. Because some of these tests involve management of hazardous waste mixed with TRU-waste (called "mixed waste") for greater than 90 days, DOE/WID is required to submit a Part B Permit application to treat, store, dispose, or otherwise manage waste in hazardous waste management units. DOE/WID is seeking to permit three HWMUs for the management of TRU-mixed waste: one above-ground waste handling building and two underground storage rooms.

DOE/WID has submitted three versions of the Part B Permit application, the original submission and Revisions 1 and 2. The original submission and Revision 1 have been modified based upon NMED Information Requests or Notice of Deficiency (NOD) comments. NMED intends to issue another NOD for the latest version of the application, Revision 2, and has sought public comment on the application prior to issuing the final NOD to gather and integrate public concerns. DOE/WID will then modify the application again based upon the final NOD comments and submit a fourth version, [REDACTED], to NMED in late January.

A series of public information meetings was held throughout the State of New Mexico to gather public input on the WIPP Part B Permit application for the Test Phase. These meetings took place in Las Cruces (November 9), Roswell (November 10), Santa Fe (November 16), and Raton (November 18). Through written and oral commentary, the public asked numerous questions and voiced their concerns regarding the WIPP Part B Permit application.

Numerous comments of a nontechnical nature and not directly applicable to the permit application were made by the public. These issues included: transportation route questions; requests for economic assistance and construction of bypasses near New Mexico towns along the WIPP transportation route; legality of using land historically occupied by Native Americans for waste disposal; emergency response training for citizens along the transportation route; and concerns regarding the negative economic impact the WIPP facility could have on local tourism. Although NMED representatives could not directly address these issues because they are not specifically pertinent to the permit application, NMED representatives committed to take these concerns to the Governor's task force on WIPP, the New Mexico Highway Commission, and other state representatives/organizations which directly deal with these issues.

The purpose of this document is to present the technical public comments which are directly pertinent to the WIPP application, and to summarize how NMED has addressed these concerns. Technical comments by the public on the WIPP Part B Permit application centered on ten major technical areas of concern:

- Waste Characterization;
- Bin-Scale Test Room Stability and Mine/Room Maintenance;

- Closure of WIPP;
- Site Geology and Hydrogeology;
- Operation and Safety of the Waste Handling Building and Mine Shafts;
- Bin-Scale Tests and Bin Management;
- Training;
- Inspections;
- Contingency and Emergency Planning; and
- Addition, miscellaneous, yet pertinent issues.

Public comments under these ten areas are presented below. It must be pointed out that individual comments presented under each of the ten topical areas are integrations of many public comments on the same specific issue. Therefore, there are no word-for-word repetitions of each letter or verbal comment made by the public. The purpose of the Summary of Public Comment on the Waste Isolation Pilot Plant Part B Permit Application is to concisely inform the public how specific public concerns are being addressed by NMED.

1. Waste Characterization

Numerous public comments regarding waste characterization issues were provided. Major issues of concern to the public included:

- Independent verification of waste characterization activities at generator sites should be performed by NMED, and verification activities should be financed by DOE;
- Process knowledge and statistical analysis were not acceptable waste characterization methodologies, and should not be admissible substitutions for direct waste characterization methodologies; and
- Limitations should be placed upon volume of waste that can be managed within the Waste Handling Building (WHE) or Bin-Scale Test

Rooms (BSTRs), as well as on the volume of derived waste (waste created during clean-up procedures, etc.).

DOE/WID has been asked to address the issue of independent verification in an NMED NOD comment by implementing an extensive generator-site audit program. NMED has included numerous questions concerning the utilization of process knowledge in NOD comments to DOE/WID. NMED has elected to not consider a statistical analysis approach to waste characterization during the Test Phase at this time, until additional direct waste characterization data has been acquired. NMED has also required DOE/WID to address concerns relative to volumetric limitations in NOD comments and Requests for Information. If a permit is issued, NMED will include volumetric limitations within the permit.

Public comments also stated that:

- Compatibility between all waste constituents (both major and minor) should be assessed;
- A detailed waste sampling and analysis plan should be included within the application;
- The applicability of substituting Toxicity Characteristic Leaching Procedure (TCLP) analysis with total constituent analysis is questionable;
- Additional Real-Time Radiography (RTR) information should be required, including DOE/WID's intended utilization of RTR data and provision of these data to NMED for examination; and
- NMED should review Quality Assurance Project Plans (QAPjPs), Quality Assurance Program Plans (QAPPs), and Standard Operating Procedures (SOPs), and these plans should be included within the application.

NMED has expressed all of these concerns listed in the above five bullets, within NOD comments and Information Requests that have been issued to DOE/WID. These comments should be addressed more thoroughly in the forthcoming Revision 3 of the application. NMED has not specifically requested

that SOPs, QAPPs, and QAPjPs be included in the application if Revision 3 includes a sampling and analysis plan of sufficient detail. However, NMED may alter this opinion if DOE/ WID fails to provide the required waste sampling and analysis information.

Additional concerns expressed by the public relevant to the WIPP Part B Permit application waste characterization included:

- The specific conditions under which waste shipments at the WIPP will be accepted or rejected (based upon manifest problems) should be better defined within the application;
- Post-Test Waste Characterization must be addressed within the application;
- A better definition of derived waste should be included within the application;
- DOE/WID must be required to conduct a study of the synergistic effects of radioactive and hazardous waste prior to shipment of any waste to WIPP; and
- The co-contamination concept should be rejected, wherein DOE/WID asserts that all releases of hazardous constituents are accompanied by a release of radioactive constituents and therefore monitoring for radioactive constituents is all that is required to detect releases of hazardous constituents.

NMED has provided DOE/WID with NOD comments requiring that additional information be provided concerning post-test waste characterization, waste acceptance criteria, derived waste definition, and co-contamination.

DOE/WID has addressed some of these concerns, such as post-test waste characterization, the definition of derived waste, and the co-contamination concept in Revision 2 of the application, and additional clarification of many of these issues is required in forthcoming Revision 3 of the application. The purpose of the bin-scale tests is to assess synergistic effects of various waste-brine interactions, and NMED believes it could be premature to ask for definitive information concerning synergisms prior to test initiation. However, public concern in this

regard has been noted by NMED. Further, NMED plans to consider some aspects of these issues when determining permit conditions, should a permit be written for the WIPP Test Phase.

2. Room Stability and Mine/Room Maintenance

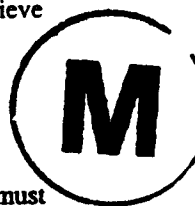
A number of public commentors expressed concern regarding Bin-Scale Test Room (BSTR) stability and adequacy of the Mine/Room maintenance program. In particular:

- DOE/WID should provide within the application, a retrieval plan and mine stability plan(s) that addresses abnormal collapse and closure of a test room, including identification of the specific chain of command that will be used to initiate removal of the bins; and
- DOE/WID must guarantee retrievability of wastes and include this within a roof collapse contingency plan.

NMED has indicated to DOE/WID through NOD comments, that DOE/WID must be able to demonstrate wastes can be retrieved prior to a roof collapse via early warning from the geomechanical monitoring system. Specifically, DOE/WID has been required to show in greater detail, how often the data from the geomechanical monitoring system is collected and to define the procedures (and organizational elements) that will be used to review, reduce, interpret, and act upon the collected data in a timely manner to ensure removal of bins if data indicate that a collapse is imminent. NMED has also indicated through NOD comments that in the event of a roof collapse, DOE/WID must be able to retrieve all wastes.

The public also commented that:

- Individual room stability assessments must be performed including stand-up time analysis and rock bolt effectiveness (i.e., "useful life" of the bolt and a stabilization of the Anhydrite "A" layer);
- The application should include plans to



"extend the life" of Room 3, as was done for Room 1; and

- NMED must provide an independent verification of the roof stability and address the viability of the geomechanical monitoring system.

DOE/WID has provided geotechnical data within the application which indicates that the potential BSTRs within Panel 1 are all characterized by the same geology/rock structure dynamics. Thus, NMED has determined that it is highly likely that the roof support system used in Panel 1, Room 1 will behave in a similar manner when applied to other BSTRs. However in an NOD, NMED has required DOW/WID to include a description of the Room 3 roof support system, as well as the Room 1 support system.

NMED has also reviewed the results of an independent review to assess roof stability and the geomechanical monitoring system. Further, DOE/WID is required to assess room stability more thoroughly under elements of the Land Withdrawal Act. Therefore, NMED has not required independent NMED verification of room stability and the monitoring system at this time, but will consider pertinent aspects of these comments should a permit be written.

Additional issues raised by the public included:

- Adequate aisle space must be maintained, and the effects of other Test Phase tests on bin-scale tests should be assessed;
- The effect of proposed bin shielding was questioned; and
- The effect that floor milling/floor repair will have on the tests and the ability of DOE/WID to conduct these repairs was questioned, as well as the maintenance of room height and whether the application included sufficient vertical room height to accommodate maintenance and fire vehicles.

NMED has addressed all of the concerns listed in the three bullets above, within NODs/Information Request comments that have been issued to DOE/WID.

3. WIPP Closure

A number of issues were raised by public commentors relative to closure of Hazardous Waste Management units within the permit application. Specifically:

- Clean closure must be required for the BSTRs, or that the application should state the circumstances under which contamination will not be removed from the subsurface; and
- NMED must require the applicant to include descriptions of closure requirements, relative to other mining regulations.

The RCRA Closure Plan for the Bin-Scale Test Rooms included by DOE/WID in Revision 2 of the application includes information addressing the "clean" closure of the Bin-Scale Test Rooms. DOE/WID has indicated within the application that no circumstances have been identified where waste is to be left "in place" underground at closure. Physical closure of the entire mined area is not considered part of the RCRA closure activities covered in this application. However, although not required by regulation, DOE/WID was requested in an NOD comment to revise the application to describe Bureau of Land Management (BLM) minimal standards for closing an underground mine/shaft to protect groundwater. DOE/WID included a description of the BLM minimal closure standards in Revision 2 of the application.

In addition, public comments requested that:

- A specific off-site facility be identified that will receive the waste should the Test Phase fail; and
- Interim storage should not be allowed within WIPP's Waste Handling Building after the term of the permit.

The NMED has issued an NOD to DOE/WID that requires DOE/WID to include a schedule for identifying an off-site facility by the middle of the permitted test period. NMED will include storage



limitations for the WHB within the permit, should a permit be written.

The public also expressed concern that:

- The 830-day closure period (presumably for subsurface units) described within the application is too long, and must be shortened. It was suggested by the public that each bin be allowed a "two-year maximum" (residence) time (again, presumably in the subsurface) to ensure closure within a five-year period, since it takes so long for closure to occur; and
- The closure schedule should be modified to a "stricter" schedule, allowing for only a 180-day closure period and possible 3-month storage limit in the Waste Handling Building.

NMED issued NOD comments requesting justification for the proposed closure timeframe and clarification of the extent of time necessary to close the Waste Handling Building, after closure of the underground BSTRs. The comments provided by the public will be considered by the NMED during the review of DOE's NOD response and in the subsequent development of permit conditions, should the permit be granted.

A number of specific technical concerns relative to closure plan development were expressed by the public, which included:

- The sampling associated with closure should include sampling/analysis for hazardous constituents;
- The application must state whether the carbon steel platforms in the subsurface will be removed during closure;
- The application should include more information concerning guidelines for the Principal Investigator to follow when deciding to modify Volatile Organic Compound (VOC) sampling frequency;
- The application should describe how water is contained during vacuuming (presumably

of brine from bins), and describe what the receiving container looks like; and

- DOE/WID must provide a time frame for delivering "final closure plans" (called engineering closure designs), and DOE's interpretation of the word "implement" relative to closure and the Land Withdrawal Act was questioned.

NMED has addressed all of the concerns listed in the five bullets above, within NODs/Information Requests that have been issued to DOE/WID.

4. General Site Geology and Hydrogeology

The public provided numerous comments concerning site geology and hydrogeology:

- The application should be modified to indicate that the James Ranch Well penetrates salt horizons;
- Groundwater and soil monitoring are required and should be in place during the Test Phase because of the potential irretrievability of waste due to a rock fall, which would necessitate implementation of environmental monitoring;

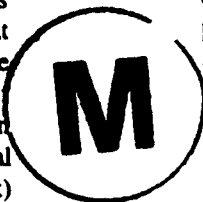
The public also expressed a belief that the facility is proximal to an active fault zone and that active "karsting" (dissolution) is occurring which could affect site stability during the Test Phase; and

- The public has also expressed concerns about the accuracy of DOE/WID's

contention that fluids in the Salado are "effectively immobile."

NMED expressed the concern regarding the James Ranch Well in an NOD/Request for Information comment, and DOE/WID has modified the application to address this observation. NMED has also assessed the applicability of implementing soil and groundwater monitoring during the Test Phase and, although it has not required implementation of monitoring at this time, will consider the public's comment in this regard, should a permit be written.

WIPP geologic and hydrogeologic information has been evaluated by NMED, and it has determined that the RCRA requirement that a facility must not be near an active fault zone (i.e., not within 200 feet of a fault which displaces Holocene deposits) has been met. However, NMED has also asked for additional unit stability information (in an NOD comment) should an earthquake occur in the area. NMED has also examined the possibility that karst features will develop and affect stability of the WIPP facility, and has determined that it is highly improbable this will occur during the Test Phase.



emergency situation was questioned, particularly whether this rate would be adequate to activate the filter mode fans. Further, the effect that this relatively low rate would have on evacuation of personnel was questioned; and

The viability of using averaged VOC concentrations over time to assess releases from the unit boundary was also questioned.

NMED does not necessarily agree that fluids within the Salado are "immobile" because some brine inflow is anticipated--and will be monitored-- during other Test Phase activities (unrelated to the bin-scale tests). However, movement of fluid is anticipated to be minimal during the Test Phase, and the application indicates that brine movement will not be allowed to impact the bin-scale test activities.

5. **Operation and Safety of the Waste Handling Building and Mine Shafts**

The public expressed numerous safety-related concerns relative to operation of the Waste Handling Building and mine shafts. These concerns included:

- Detection/monitoring and management of particulate and VOC emissions within the Waste Handling Building and Exhaust Shafts is of concern, particularly during the closure period when many bins could conceivably be placed in the WHB prior to off-site shipment;
- A more complete description of the "Exhaust Filter Building" (Waste Handling Building) is required, including proof that no hazardous waste or constituents will escape from the building;
- Continuous monitoring for VOCs within the Waste Handling Building is required to ensure that dangerous levels of VOCs will not develop;
- The sufficiency of the 60,000 cubic feet per minute (cfm) airflow rate during an

NMED has included numerous questions concerning particulate and VOC monitoring, releases, and emission control in NOD comments and Information Requests. Public comment on this issue will be taken into consideration when NMED evaluates DOE/WID's responses to NOD comments included in current and forthcoming Revision 3 of the application. NMED has tentatively accepted No Migration Determination (NMD) requirements established by U.S. EPA. NMED believes these criteria and standards meet many aspects of Part B Permit requirements, specifically those of air releases associated with Subpart X (miscellaneous) units. However, NMED reserves the right to consider more stringent standards, based upon information provided by DOE/WID within the forthcoming Revision 3 of the application.

6. **Bin-Scale Tests and Bin Management**

Numerous public comments were provided regarding the bin-scale tests and bin management

program. Specifically, the public comments indicated that:

- DOE/WID must include within the application how it intends to ensure proper bin management so that ignitable/ reactive conditions do not develop, and must indicate whether emergency plans will be in place to deal with these conditions should ignitable/reactive conditions occur;
- The aisle space width required for derived waste must be specified;
- Sufficient room for fire equipment within the HWMUs must be ensured;

- The effect that fire suppressants may have on the test bin and wastes must be assessed; and
- The Safety Analysis Reports for the humid and inundated bins must be completed prior to initiation of the bin-scale tests.

NMED issued NOD comments specifically requesting DOE/WID to provide detailed descriptions of the bin management procedures for Type I humid and inundated bins, and particularly how DOE/WID will manage these bins (relative to gas/pressure build-up) so that ignitable/reactive conditions do not develop.

As to adequacy of derived waste aisle space width, NMED has issued DOE/WID an NOD comment specifically requesting detailed drawings depicting dimensions of the derived waste storage areas and height and width of the Bin-Scale Test Rooms to ensure adequate clearances.

Safety Analysis Reports are not specifically required under RCRA. However, NMED has issued NOD comments to DOE/WID requiring that a comparable set of requirements be presented in the application to ensure that dry, humid, and inundated bins are managed safely and appropriately.

Additional bin management program issues raised in public comments included:

- DOE/WID should discuss why the test bins would require repair during the Test Phase;
- How the "operation" of a rupture disk would affect the bin-scale experiments must be addressed; and
- DOE/WID must discuss the conditions under which a test bin would be "withdrawn from the program," and how these bins will be managed.

NMED has requested numerous data concerning test bin operations in NOD comments and requests for information. DOE/WID has modified Revision 2 of the application to indicate that test bin or test system seals, valves, or filters may fail or be damaged during the test period and thus require repair or replacement. DOE/WID has also indicated that all safety concerns were taken into consideration during

the design and operation of ruptured disks. Although rupture of a disk is a RCRA concern relative to safe bin management, the effect that disk rupture would have on test results (i.e., on data quality) is not applicable to the permit application.

Revision 2 of the application also discusses management of test bins withdrawn from the program, indicating that a test bin withdrawn from the program will be left in place and continuously vented into the VOC manifold system.

Additional technical questions posed by the public concerning management of gas generation under the bin management program included:

- DOE/WID should specify the gas generation monitoring which will take place if "withdrawn bins" remain in the subsurface rooms because of the increased potential for greater gas generation within these bins due to aerobic conditions;
- How the VOC manifold system captures wastes must be better defined, including drawings and figures depicting the system;
- DOE/WID should address why only 95% removal is achieved in the carbon sorption manifold design; and
- The validity of using average headspace concentrations relative to bin acceptance criteria was questioned.

As discussed earlier in this summary, "withdrawn bins" will continuously vent to the VOC manifold system, thus controlling gas build-up. Further, DOE/WID has included requirements that the carbon sorption manifold design ensure greater than or equal to 95% removal efficiency within Revision 2 of the application.

The No Migration Determination required the use of average headspace concentrations as part of bin acceptance criteria. NMED has tentatively concurred with No Migration Determination criteria established by U.S. EPA, but NMED may impose more stringent requirements based upon information provided in the forthcoming Revision 3 of the application.

Specific technical questions from the public relative

to brine management included:

- The applicability of using 120 liters of brine was questioned, as well as the procedures which are in place to ensure no overflow of brine occurs and how all bins and brine will be managed after the Test Phase;
- A wet brine removal plan should be developed and in place;
- Additional information is required to ensure that movement of wet bins with "special slings" will not allow for spillage; and
- Additional information and assurance of the adequacy of the "double containment procedure" for taking liquid samples is also required.

NMED has addressed all the concerns listed in the four bullets, within NODs/Information Requests that have been issued to DOE/WID.

7. Training

Numerous concerns were expressed by the public relative to training requirements included in the Part B Permit application. Specifically:

- Training for personnel responsible for loading TRU-pacts during closure should be included as part of the permit application;
- Periodic refresher training for all personnel should be required and stated within the application;
- The application must indicate that emergency training will be renewed on an annual basis; and
- Frequencies for all training must be included within the application.

NMED recognizes the importance of training personnel responsible for loading TRU-pacts, and will address this issue as appropriate. The most recent submission of the application (Revision 2) includes discussion of the periodic refresher training that will be required based upon job title, and also

indicates that training for emergency response personnel (as well as all other personnel) is updated annually. Revision 2 also addresses frequencies for all training.

8. Inspections

The public expressed concern about the inspection activities which will take place at WIPP during the bin-scale tests. These included:

- Daily inspection of bins should be performed;
- "Regular" inspections are not specific, nor frequent enough; and
- Surprise compliance inspections should be performed by NMED, and inspection criteria should exceed those required under the No Migration Determination.

DOE/WID is required to perform weekly inspections under RCRA regulations. Within Revision 2 of the application, DOE/WID initially intends to inspect bins daily. Frequency of inspections may be decreased to weekly following statistical assessment of the information, as required under the No Migration Determination. Revision 2 of the application further indicates that inspection frequency will be more stringent than that inferred by "regular" inspections. Compliance inspections (including unannounced inspections) are performed under RCRA, and will be performed at WIPP should WIPP be granted a Part B Permit.

9. Contingency and Emergency Planning

Public comment concerning contingency and emergency planning included:

- DOE/WID must ensure that emergency measures and plans are in place to deal with potentially ignitable and reactive situations, as well as roof collapse and failure;
- An emergency plan must be in place for the management of fire prevention water and assurances must be made within the application that fire prevention material will not react with the waste;

- All "unusual occurrences" should be reported to the public;
- DOE/WID must not be allowed to consult its "field representative" prior to notifying the public; and
- Dry runs of emergency response plans should take place.

NMED has provided DOE/WID with NOD comments and Information Requests concerning inclusion of emergency/contingency plans to deal with roof collapse, as well as for ignitable/reactive situations. The application indicates that water will not be used to fight fires within the subsurface, and NMED has asked DOE/WID within an NOD comment to address concerns relative to compatibility of fire-fighting materials and wastes. Revision 2 of the application includes the reporting requirements mandated under RCRA, and indicates that these will be followed. Revision 2 also states that the facility conducts yearly emergency response drills and routine inspections of emergency equipment.

10. Additional Public Concerns

In addition to those directly related to the topical areas listed above, the public also expressed further concerns which are directly pertinent to the application. These concerns included:

- Limiting the Test Phase time period (bin-scale test permit period) to a specific time period, such as five years;
- NMED must determine whether the bin-scale tests are necessary and justifiable; because the National Environmental Policy Act (NEPA) and RCRA are functionally equivalent and no Environmental Impact Statement was prepared specifically for the Test Phase, NMED may under RCRA require DOE/ WID to assess the "no action" option under NEPA, compelling DOE/WID to justify performing bin-scale tests at WIPP;
- The application must address safe transportation of waste within the WIPP facility boundary;



- Liability responsibilities of DOE/WID and its contractor, Westinghouse (WHC), were questioned, with commentors suggesting that each be required to establish an escrow account to deal with any liabilities encountered during performance of the bin-scale tests;
- NMED must be notified if waste characterization activities conducted during the Test Phase identifies any unanticipated hazardous waste or constituents;
- Decontamination of personnel and equipment was questioned, including potential decontamination of equipment outside of the WIPP facility boundaries and the ability/procedures associated with personnel decontamination in the event of an accident;
- The application must specify the unit boundaries to be that of the Waste Handling Building and two subsurface rooms, and should not be equivalent to the 16-mile unit boundary allowed under the No Migration Determination. Further, the application must indicate that the only permitted units are the Waste Handling Building and two subsurface rooms;
- Type 2 bins should not be allowed during the Test Phase because they are not adequately described within the application;
- WIPP must not be allowed to operate under backup power if "normal" power systems are cut, and additional analysis is required of the 30-minute delay between "alternating power" and "uninterruptible power"; and
- Enforcement (i.e., who will enforce) of permit conditions was questioned.

NMED will set the allowable permit time-frame, should a permit be issued. The necessity of a Test Phase has been cited by many groups (i.e., National Academy of Science), although performance of these Tests within WIPP has not been specified. NMED notes that, as part of the Land Withdrawal Act (Public Law 102-579), DOE/WID is required to justify the performance of the Test Phase (which presumably includes a justification for performing

bin-scale tests within WIPP), and EPA is required to evaluate this justification. Further, NMED is allowed to examine the Test Phase Plan (including the justification issue), and comment upon its applicability in this context.

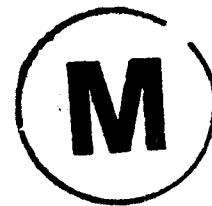
NMED has provided DOE/WID with an NOD comment dealing with on-site transportation issues. RCRA regulations indicate that Federal facilities are exempt from financial assurance/insurance/ liability requirements, although public concern in this regard has been noted by NMED. Further, NMED is considering permit conditions relative to waste characterization (should a permit be written), and will consider the comment dealing with NMED notification of unexpected hazardous waste detection in this regard. NOD comment(s) have been provided to DOE/WID concerning decontamination of equipment outside of the WIPP facility boundary.

NMED provided DOE/WID with numerous NOD/ Information Request comments concerning the identification of specific units to be permitted, and DOE/WID has modified Revision 2 of the application to indicate that the only units for which a permit is being sought are the Waste Handling Building and two subsurface rooms within Panel 1. DOE/WID has also modified the application, based upon NMED NOD/Information Request comments to indicate that the Hazardous Waste Management Unit boundaries are the margins of the units (Waste Handling Building and Rooms), and the unit boundary for this permit application is not the entire 16-square mile facility boundary.

Based upon NMED NOD/Information Requests comments, DOE/WID has elected to modify Revision 2 of the application to exclude Type 2 bins from the application. DOE/WID may elect to submit Type 2 bin designs in the future, but these may be considered a Class 3 permit modification, requiring public comment. The application indicates that operations are restricted during a main power outage (although some operations must be allowed to continue during power outages for safety purposes). The application also indicates that back-up generators may take 30 minutes to go on-line during an emergency, but uninterruptible power will be available for important equipment, such as computers. Enforcement of permit conditions will be the responsibility of NMED.

Summary

NMED received numerous technical comments from the public that were insightful and directly applicable to the WIPP Part B Permit application. As a result of public input, many NOD comments were added or modified to reflect public concerns. NMED will also consider the public's technical comments when writing the WIPP permit (should a permit be written) and encourages continued public input throughout the permit process.



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