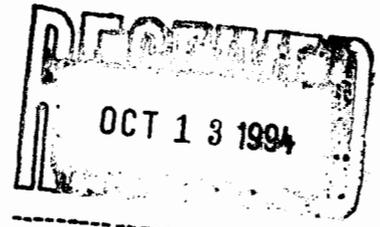




Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221



OCT 11 1994

Benito Garcia
NMED/HRMB
P. O. Box 26110
Santa Fe, NM 87502

*Steve
file will*

Dear Mr. Garcia: *Benito*

Thank you for attending the WIPP Stakeholder Forum in Albuquerque last week. The Forum was very valuable in helping crystalize our understanding of stakeholder concerns both for reporting these issues to Secretary O'Leary during her visit to Carlsbad and for guiding future outreach and involvement plans of the Carlsbad Area Office (CAO). I was especially gratified at the wide range of views and geographic locations that were represented.

As a followup to the meeting, I am pleased to send you a meeting summary, the sign-in sheet, and the one-page issue papers (with CAO'S responses) that many of you provided to us for inclusion in the Secretary's briefing book. Meanwhile, we are preparing a transcript of the Forum. We will make copies available to those who request it.

As a first step in our response to concerns expressed regarding advance notice of meetings, I am proposing the next WIPP Stakeholder Forum be held sometime during April 1995. If you wish to attend the next Forum, please check your calendar and notify Ann Marshall (505) 885-0085 of any scheduling conflicts you know of during the month of April 1995. While we cannot promise to fit everyone's schedule, we hope to avoid making you choose among high-priority, competing demands.

Further, we are encouraging stakeholders to become involved in planning this next Forum. If you have agenda topics or speakers you would like to suggest for the program, or if you would like to serve on an ad hoc "steering committee" for planning the next Forum, please call Ann Marshall. While I fully expect that at least part of our next Forum will be directed to addressing concerns that participants raised at the September 26-27 Forum, the success of the meeting will be greatly enhanced by active stakeholder participation in planning it.

Thanks once again for attending the Forum. I look forward to our next meeting.

*Thanks for your participation
in the #CAO session.*

Sincerely,

George E. Dials
George E. Dials
Manager



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941005



**SUMMARY OF WIPP
STAKEHOLDER
FORUM
ALBUQUERQUE, NM
SEPTEMBER 26 - 27, 1994**

The Carlsbad Area Office held a Waste Isolation Pilot Plant (WIPP) Stakeholder Forum on September 26-27, 1994, in Albuquerque, New Mexico. The purpose of the Forum was to identify stakeholder issues to present to the Secretary of Energy during her planned visit to Carlsbad, and to solicit stakeholder input to the Carlsbad Area Office outreach and involvement program.

The Carlsbad Area Office invited 170 individuals; of those, 70 persons attended the Forum, including representatives of:

- Regulators
- Local governments
- Oversight groups
- Media
- Congressional offices
- Regional government groups
- State governments
- Tribal governments
- Environmental groups
- Citizen groups
- The private sector

The format of the Forum departed from traditional DOE meetings in that the entire agenda was devoted to stakeholders' presentation of issues, while DOE listened. Approximately 25 stakeholders made formal presentations to the group. Fully half of the Forum was devoted to discussion among stakeholders. Independent chairpersons were used for each session to assure neutral management of the meeting and discussion.

Issues identified

Issues identified during the Forum are described below:

- **Lack of a National Nuclear Waste Policy:** Several stakeholders making presentations put WIPP in the context of the larger nuclear waste disposal issue. They said that retrievably stored WIPP-bound waste is only a small part of the waste issues faced by the major generator sites around the country and that WIPP is not a solution to the more pressing problems. It was suggested DOE redefine, refocus, and reprioritize its waste problems to include spent fuel, liquid, low-level, and buried wastes. By redefining waste disposal issues, resources can be allocated more effectively.

**SUMMARY OF WIPP
STAKEHOLDER
FORUM, *continued***

- **Disposal decision schedule too aggressive:** Several impacts of this issue were identified. Some stakeholders said that the Disposal Decision Plan provides insufficient lead time for stakeholders to review documents. Others expressed the opinion that resolution of a number of compliance issues requiring field and laboratory data analyses will not be completed in accordance with the milestones outlined in the disposal decision plan. Further, representatives from both the Environmental Protection Agency and the New Mexico Environment Department said they could not endorse the schedule. The New Mexico Environment Department representative said her reservations with the schedule are shaped by past experiences when DOE has been slow in getting information to her department. The basis for the Environmental Protection Agency's misgivings about the schedule is the lack of time for a completeness review, and lack of time for adequate public review and participation in the compliance application process.
- **Need to continue training emergency responders:** Several stakeholders encouraged the Carlsbad Area Office to continue emergency response training for first responders, even though the WIPP is not scheduled to open until 1998. They noted that stability of the WIPP transportation system is enhanced with effective emergency response management. Emergency response management affects the public, the political system, and the medical system. Stakeholders said resources and risks to assist in prioritizing appropriate emergency response needs must be identified. One such need is that of continued first responder training with appropriate budget to enhance the emergency response system and processes. Stakeholders said this training is essential to maintenance of readiness to respond to possible accidents with radioactive materials.

**SUMMARY OF WIPP
STAKEHOLDER
FORUM, *continued***

- **Lack of program integration:** Some stakeholders expressed the opinion that the Carlsbad Area Office is not integrating its programs sufficiently, with particular concern about the National Transuranic Waste Program. The needs for long-term resource allocation and status updates regarding the National Transuranic Waste Program were cited. Engineering barriers, volume reduction, pretreatment issues, waste characterization, monitored retrievable storage, waste acceptance criteria, and the need for a nuclear waste policy were identified as issues essential to the coordination of an effective waste management program.
- **Working the wrong issues:** Some stakeholders cited the importance of examining ethical issues prior to proceeding with the WIPP. The dilemma is whether to risk endangering future generations by permanent waste disposal in the WIPP, or risk endangering present generations by continuing current on-surface temporary storage. They pointed out that dynamics and scope of the project are significantly different from the situation 20 years ago. The regulatory requirements to govern disposal of transuranic wastes at WIPP have been instituted in recent years. Stakeholders expressed the opinion that these changes demonstrate the difficulty of making decisions to protect human health for 10,000 years into the future.
- **Waste inventories, characterization, and quantities are uncertain:** Stakeholders said a lack of knowledge about waste inventories, characterization, and quantities of both remote-handled and contact-handled waste present problems in DOE's efforts to comply with both 40 CFR 191 and 40 CFR 268. Concerns related to 40 CFR 191 include deficiencies in process knowledge and waste forms, need for independent verification of generator sites' waste characterization methods, and inadequately defined remote-handled transuranic inventories. Other stakeholders maintain that applying for a Resource Conservation and Recovery Act Part B Permit is impossible when the definition of waste to go to WIPP is unknown because

SUMMARY OF WIPP STAKEHOLDER FORUM, *continued*

it is not yet generated. On a related topic, stakeholders said the national program integrating transuranic waste generators' activities needs better coordination and its mission needs to be more clearly defined.

- **Response to Native American issues:** Native Americans' present at the meeting expressed strong dissatisfaction with the DOE's policy regarding tribal governments, including DOE's failure to recognize them as sovereign nations; all too often, the Indian nations are referred to as "interest groups," they noted. They requested that DOE be sensitive to tribal protocol and cultural deference when considering nuclear waste management policies and processes. Because of the protocol and deference Indian nations have for the land, stakeholders requested that lines of communication be kept open so that they can become involved with all WIPP issues and maintain effective emergency response management.
- **Regulatory compliance and risk assessment lacking:** Stakeholders had issues with several program components, with all issues appearing to be interrelated. For example, at the time the recommendation was made to examine salt as a potential medium for a repository, human intrusion possibilities were not considered. That is, only the undisturbed performance of a potential repository was evaluated. This gives rise to concerns about the validity of predictions of future states of the repository following decommissioning into the 10,000 year time frame required by the regulations. Predictions beyond 20 or 30 years are meaningless, according to stakeholders. Site suitability and characterization issues were discussed, including impacts of gasses that will be generated by decomposing waste and the ability of the disposal system to contain the gasses. Human intrusion in the repository, whether through drilling into the repository, future potash mining, or other activity, has been a topic of keen interest among stakeholders. Stakeholders asked about potential risks of such intrusion and of possible releases that

**SUMMARY OF WIPP
STAKEHOLDER
FORUM, *continued***

may occur in the event of such intrusion. Waste treatment options and engineered modifications to the waste should to be considered in part because of the gas generation issue, they said.

- **Involvement process lacking:** Issues here include timely notice of meetings and document review opportunities. State and Native American stakeholders said they consider themselves "stepchildren" in the involvement process. Stakeholders suggested the Carlsbad Area Office use toll-free information lines, evening meetings, video-conferencing and electronic access to DOE documents and computer bulletin boards to maximize involvement and information opportunities.

Topics identified for future meetings

During the Forum, several issues came up that the group suggested should be the subject of future meetings. These issues were:

- **The remote-handled transuranic waste program**
- **The National Transuranic Waste Program**
- **Risks of future human intrusion**
- **Nuclear waste management ethical problems**
- **Ethics issues as they relate to impacts on future generations**
- **Comparative risks of storage, transportation, and disposal**
- **Revision to the Disposal Decision Plan**
- **Future Stakeholder Forum to be held in Idaho**

**SUMMARY OF WIPP
STAKEHOLDER
FORUM, *continued***

Suggestions

The following suggestions were derived from the Forum, based on meeting discussions.

1. Timely notification of future stakeholder meetings. Stakeholders requested that meetings be held during evening hours, for more accessibility to a broader population base. The use of interactive television and video conferencing as communication media was also suggested.
2. Timely delivery of the Resource Conservation and Recovery Act Part B Permit Application and supplementary reports to stakeholders for review and comment. Stakeholders requested that changes in the permit application be redlined for more expedient review.
3. Development of a matrix to show additions and deletions to the Resource Conservation and Recovery Act Part B Permit Application, including calculations and procedures to address transportation issues and characterization concerns.
4. Development of a nuclear waste policy.
5. Development of risk and needs assessments to address transportation issues.
6. Provision of summaries of the System Prioritization Method meetings to interested stakeholders.

Media briefing

A media briefing in which both the Carlsbad Area Office and advocacy groups participated was held following the forum. Media representatives at the briefing included the Albuquerque Journal, Associated Press, KBIM-TV CBS, KQUE-TV CBS, KOAT-TV ABC, and KOB-TV NBC.

**SUMMARY OF WIPP
STAKEHOLDER
FORUM, *continued***

Conclusion

In evaluating the Forum, the Carlsbad Area Office has concluded that the meeting provided valuable information to help guide its outreach and involvement program. The next WIPP Stakeholder Forum is proposed for April 1995. Notification to stakeholders will be initiated within three weeks after the September 1994 Forum.

**Organizations in Attendance
at the WIPP Stakeholder Forum
Albuquerque, New Mexico
September 26-27, 1994**

Citizen Group Participants

Carlsbad Department of Development
League of Women Voters
Peace and Justice Center
Rocky Flats Citizens Advisory Board

Environmental Group Participants

Carlsbad Environmental Monitoring and Research Center
Citizens for Alternative to Radioactive Dumping
Concerned Citizens for Nuclear Safety
Rocky Mountain Peace Center
Snake River Alliance
Southwest Research and Information Center

Local Government Participants

City of Carlsbad
Mayor of Roswell
Mayor of Vaughn

Media (present at the Forum)

KBIM-TV Roswell and Carlsbad
Albuquerque Journal

Media (present at the Media Briefing)

Albuquerque Journal and the Associated Press
KBIM-TV, CBS, KQUE-TV, CBS, KOAT-TV ABC, KOB-TV NBC

Oversight Group Participants

National Academy of Sciences
New Mexico Environmental Evaluation Group

Private Citizens

Regional Government Organizations Participants

National Conference of State Legislatures
Southern States Energy Board
The Energy Council
Western Governors' Association

Regulatory Agency Participants

Environmental Protection Agency
New Mexico Environment Department

State Government Participants

Colorado Department of Health
Idaho National Engineering Laboratory Oversight Committee
New Mexico Attorney General's Office
New Mexico Representative (Eddy County)
New Mexico State Senator (Eddy County)

Tribal Government Participants

All Indian Pueblo Council
Pueblo of San Ildefonso
Shoshone - Bannock Tribes

STAKEHOLDER ISSUE PAPERS

Prior to Secretary O'Leary's program review in Carlsbad on October 3, 1994, the Carlsbad Area Office solicited one-page papers from stakeholders regarding issues they would particularly like to call to her attention. Those papers were collected and included in her briefing book for this visit, along with the Carlsbad Area Office's responses to those issues. That section of the briefing book follows.

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Carlsbad Department of Development

Citizens for Alternatives to Radioactive Dumping

City of Roswell

Concerned Citizens for Nuclear Safety

Environmental Evaluation Group

Environmental Protection Agency

New Mexico Attorney General

Southern States Energy Board

Southwest Research and Information Center

The Energy Council/National Conference of State Legislatures

Western Governors' Association

**PREPARED FOR SECRETARY O'LEARY
THE CARLSBAD DEPARTMENT OF DEVELOPMENT
COMMENTS & POSITIONS FROM
STAKEHOLDER MEETINGS**

1. It is clear that there are many unaddressed policy and scientific issues related to TRU waste in this country. To expedite this process, the National TRU Center must become a reality. It must be funded and staffed. It must vigorously pursue issues related to "performance based" waste and the triage of the waste which is most eminently risky to human health and the environment. Issues such as characterization, short term storage, intermediate mitigation, waste forms, waste streams, transportation, RH-TRU issues, and certainly research and development must also be addressed.
2. Strongly endorse the Systems Prioritization Program as a means to rationally meet a reasonable deadline for a waste disposal decision in a defined and business-like manner.
3. DOE must develop an aggressive program for engineered alternatives now. These alternatives must be technically reviewed and researched in order for them to be considered and introduced as solutions in PA.
4. A management technique design for realistically assessing the progress of experiments must be put into place. It is paramount in the SP process to be able to objectively evaluate the progress of an experiment. This way, timely decisions can be made. Effective alternatives can be introduced, which will allow a decision to be reached before finding out too late that an experiment cannot provide the information needed.
5. The issue of human intrusion is the single most significant overriding issue surrounding WIPP and its opening. This issue will ultimately be resolved through a public policy debate and decision as it relates to the acceptance and understanding of "relative risk". The numbers of boreholes, the health risk associated with the potential migration to the surface, and the health risk associated with the potential aquifer transport at WIPP must be compared to the risks associated with the past and present day storage policy. The issue of leaving the waste as it is must be analyzed and debated from a risk-to-benefit perspective.
6. A coordinated policy for the transport of nuclear materials in this country must be achieved. There is significant confusion throughout the country as to the standards and risks associated with the transportation of such materials. This confusion is having a negative impact on the WIPP transportation policy which has been developed in an air of openness to achieve an extremely high level of safety and confidence. It is difficult enough to deal with the new issues without going back and rehashing the old ones. A good policy, public understanding, and continuing education are a must.

Citizens for Alternatives to Radioactive Dumping

I am Garland Harris with Citizens for Alternatives to Radioactive Dumping. We are a broad-based citizens group based in Albuquerque. We have opposed WIPP since it was proposed for a variety of reasons. I will try to represent some of the most persuasive concerns which have caused us to be firm in our opposition.

The first is siting. WIPP was not sited scientifically, except in the broadest sense. It is in a salt bed, but not a dry salt bed. It is not isolated from other natural resources and a recent EEG report shows that this concern was simply ignored for years. It has many of the same problems which caused the Kansas site to be abandoned, yet these have not been addressed.

For these and other reasons, the credibility of DOE has been a big issue. The 5 year test phase did not convince scientists and struck us as a contrivance to put waste in WIPP. Its cancellation gave us some hope that WIPP will be evaluated on its merits, however, we are still concerned that WIPP is driven by the goal of being completed no matter whether it is the best solution or not.

I was privileged to attend the Stakeholders meeting in DC last year. At that meeting Tom Grumbly was an active participant, and I had the feeling that we were all being heard. Where is the Secretary or the Assistant Secretary today? Why are you translating our concerns for her or him? I am concerned that we are once again a step removed from the decision makers.

We have other scientific concerns about WIPP, but the area which is of major concern to me is whether we should be opening a permanent underground repository at this time. A New York Times article by Kai Erikson (3-16-94) explored the notion of trying to predict the future. I am convinced it is impossible. One of our speakers today noted that 20 years before the automobile and airplane were invented, there was no mention of either in the scientific proceedings which attempted to predict the future. Dr. Fairhurst told us today that the NAS recommendation to store waste in salt beds did not even consider the issue of human intrusion! He also noted that he was unaware of the report by the EEG on the oil fields.

Recently I became convinced that there will be human intrusion, either accidentally or intentionally. Whether or not I am correct, this must be assumed. I know of no instance in our human history where explorers restrained themselves because of any warning sign. When WIPP is breached, we will have contaminated future generations by our arrogance. By "rushing to bury nuclear waste...(we)...take the solution out of their hands." Kai Erikson says.

The above argument applies equally to Yucca Mountain. Given the mission of WIPP, the fact that it addresses a relatively small, relatively stable and relatively safe portion of the nuclear waste burdens, also concerns us. We also question the wisdom of spending \$8.4 billion of our valuable clean up dollars to address TRU already in containers. We are convinced that we need a national nuclear waste policy with priorities which meet the needs of the most contaminated sites. WIPP won't save the Snake River aquifer or address the most significant problems at Rocky Flats, much less Hanford, Savannah River, or Los Alamos.

We believe that together we can create a better nuclear waste policy. If we have spent \$2 billion to learn that a permanent repository is not the best solution at this time, in this place, I do not begrudge those dollars. Our society created the most dangerous materials the world has ever seen. We must now create the technology to dispose of these materials.

I favor greater belief in ourselves, that we can learn from our mistakes. A decision which will carry our society's wisdom or lack thereof into the lives of future generations should represent us all. Many, perhaps most of our society, do not trust that we can package nuclear waste safely for thousands of years to come. Listen to us. We and our children's children are all part of this decision.

After attending my first SPM session, I am convinced that an independent scientific review of the position papers would add enormously to the credibility of the application.

Garland Harris
5021 Guadalupe Trail NW, Albuquerque, NM 87107, (505) 344-1140



Post Office Drawer 1838
Roswell, New Mexico 88202-1838
(505) 624-6700

The City of Roswell opposes designation of United States Highway 285 (US 285) through Roswell as a Waste Isolation Pilot Project (WIPP) route. A relief route that would take US 285 traffic around Roswell has been designed and is nearly half completed. Routing WIPP shipments through Roswell is ill advised and raises the following serious concerns:

1. US 285 in Roswell currently experiences a daily traffic load in excess of 20,000 vehicles, which according to New Mexico State Highway and Transportation Department engineers exceeds its design capacity.
2. US 285 bisects Roswell's central business district and is fronted by the New Mexico Military Institute and Eastern New Mexico Medical Center South. Numerous major retail stores are also sited on US 285.
3. Fire Department estimates of decontamination costs in the event of a release exceed ten million dollars. This is due to the urban environment where the release would occur.
4. Roswell's main hospital, Eastern New Mexico Medical Center North, both high schools and five elementary schools are located within six blocks of US 285.
5. In the event of a radioactive release on US 285 Roswell's ability to evacuate citizens would be greatly slowed by having to use alternate routes and relocation facilities away from US 285.

Throughout the WIPP development, since at least 1980, the City and its 45,000 citizens have believed the bypass would be built, would be built with WIPP funding and would be built before the WIPP shipments arrive. Prudent planning does not build the road after the trucks have already started delivery. With the bypass half done, paid for by the state, it is prudent for WIPP to now do what we always thought it would and complete the bypass before the shipments arrive in Roswell.



Department of Energy
Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221

JIM - 3 14

The Honorable Thomas E. Jennings
Mayor of Roswell
P.O. Drawer 1838
Roswell, New Mexico 88202-1838

Dear Mayor Jennings:

Thank you for your review and response to the Waste Isolation Pilot Plant (WIPP) proposed scope of activities and budget for fiscal years (FY) 1996-2000. Your primary response indicates that it would be prudent for the U.S. Department of Energy (DOE) to include \$15 million in the WIPP FY 1996-1998 scope of activities and budget to fund the completion of the Roswell Relief Route.

The DOE is obligated under the Supplemental Stipulated Agreement (SSA) with the state of New Mexico to assist the state in obtaining federal funding to pay for the upgrading of those portions of state highways designated for WIPP shipments which are most in need of repair and for which state or federal appropriations are not otherwise available.

Between 1982 and 1992, the DOE assisted the state in obtaining \$54.4 million for road upgrades. Tied to the execution of the WIPP Land Withdrawal Act in October 1992, an additional \$43 million, which was appropriated by Congress in 1989, was turned over to the state. The WIPP Land Withdrawal Act further provides for \$20 million per year upon the commencement of shipping radioactive waste to the WIPP site. Mr. Louis Medrano, secretary of the New Mexico State Highway and Transportation Department, is responsible for the allocation and disbursement of New Mexico road funds.

The SSA also specifically requires inclusion of WIPP transportation activities under the Price-Anderson Act (42 USC 2014 and 2210). Emergency response and cleanup/decontamination costs associated with any WIPP incident/accident are covered by the Price-Anderson Act, which currently has a reserve of over \$7 billion. Mr. Christopher Wentz, energy policy analyst, Energy, Minerals and Natural Resources Department, state of New Mexico, has conducted some research into the provisions of the act and can provide additional guidance to you.



You stated that "It should be apparent that tens of thousands of people might be exposed to radiation transmitted during waste transit." In the Final Supplement Environmental Impact Statement, January 1990, Volume 2 of 13, Section D.3.2, page D-62, various conditions of exposure are documented.

Three of the conditions of exposure are:

1. The maximum radiation dose to an individual member of the public due to waste shipments which travel by his or her residence or workplace;
2. The radiation dose to a person in an adjacent traffic lane at a distance of 3 feet from the shipping container;
3. The radiation dose to individuals employed at truckstops;

In each case the radiation dose to an individual would be less than that received during a chest X ray. You expressed concern for the public during the transit of the waste to the WIPP. The possible radiation exposure to the public due to WIPP shipments is very small.

The analysis of transportation risks was conducted in a manner similar to other risk assessments, including the WIPP Final Environmental Impact Statement (FEIS), using the methodology established by the Nuclear Regulatory Commission (NRC) in studies done in the late 1970's. Although computer models and basic assumptions have been refined since these studies, the basic approach to assessing risk remains essentially the same. The primary reason for this stability of research methods is that this approach has proven to be accurate and reliable.

According to assessments made and published in the Final Supplement Environmental Impact Statement, January 1990, Volume 2 of 13, Section D.3.3, Radiological Risks of Transportation Accidents, Paragraph D.3.3.1.1, contact handled (CH) transuranic (TRU) shipments to the WIPP will be made in Nuclear Regulatory Commission (NRC) certified Type B containers (TRUPACT-II). The certification standards ensure that these containers will withstand virtually any accident condition without releasing their radioactive contents to the environment. Recently, a 1987 NRC study (Fischer et al., 1987) determined that only 0.6 percent of truck and rail accidents involving Type B containers or casks could cause a radiation hazard to the public. According to the Risk Analysis of the Transport of Contact Handled Transuranic (CH-TRU) Wastes to WIPP Along Selected Highway Routes in New Mexico Using RADTRAN IV (EEG-46), conducted by New Mexico's Environmental Evaluation Group, the number of expected truck transport accidents involving CH-TRU waste over the entire lifetime of the WIPP are about five with only one involving a release of radioactivity.

The Honorable Thomas E. Jennings -3-

Thus, a TRU waste transportation accident with the release of a portion of the contents of the shipping container has an extremely small chance of occurring.

A complete set of the Final Supplement Environmental Impact Statement, January 1990, and the Risk Analysis of the Transport of Contact Handled Transuranic (CH-TRU) Wastes to WIPP Along Selected Highway Routes in New Mexico Using RADTRAN IV (EEG-46), is available at Public Reading Rooms through out the state. The Carlsbad Library is the closest room to your community. If I can provide additional information, please call me at 234-7313.

Sincerely,

Patty Baratti-Sallani
Patty Baratti-Sallani
External Affairs

The Honorable Thomas E. Jennings

-4-

JUN - 8 '66

bcc:

G. Dials, CAO
D. Hurtt, CAO
E. Smith, CAO
B. Smith, CAO
D. Conway, CAO
O. Eaton, WID
G. Morris, WID



CCNS

Concerned Citizens for Nuclear Safety

CONCERNS ABOUT THE CURRENT DIRECTION AND SCOPE OF THE WIPP PROGRAM

1. What is WIPP's purpose?

DOE cannot make a scientific evaluation of WIPP's ability to isolate wastes until it knows what wastes WIPP must contain. Originally, WIPP was designed to dispose of transuranic waste from future nuclear weapons production. We are no longer producing nuclear weapons in any significant quantity, yet waste for 70% of WIPP's capacity remains to be designated.

The current plan to use Performance Based Waste Acceptance Criteria for the Performance Assessment bags a situation in which the criteria for waste acceptance are so geared to the facility that the real nuclear wastes in need of disposal cannot be accommodated at WIPP. DOE should be determining what its needs are for waste disposal in this era of dismantlement and cleanup, and then evaluating whether WIPP is a true solution to the real DOE nuclear waste problem.

2. Is the WIPP Disposal Decision Plan realistic?

The current WIPP Disposal Decision Plan sets out unrealistic bureaucratic deadlines which will undercut the effort to scientifically evaluate WIPP's potential to isolate mixed waste. Unless the scientific experiments for Performance Assessment can significantly reduce the uncertainties which currently exist about WIPP's geology, hydrology, and waste inventory behavior, the WIPP compliance application will be weak and unconvincing to a watching public. DOE must develop a WIPP Disposal Decision Plan which allows time to sort out the scientific questions and enough time for the public to become informed about and comment on these scientific conclusions. The current schedule forces scientific investigation into a regulatory timeline, often setting deadlines for regulatory evaluations before the necessary scientific information could be available. The public cannot provide meaningful input within this framework.

3. What is the scope envisioned by DOE for the SEIS II?

WIPP was proposed as a facility which could geologically contain untreated, raw waste. As Performance Assessment progresses and as EPA begins to demand strict criteria for WIPP disposal standards, a probability exists that some waste treatment and waste form modifications will be required for WIPP waste. In addition, changes in criteria for waste characterization and even limitations on criteria for waste acceptance are contemplated. All of these changes will affect the generator facilities. There are trade-offs between worker safety at one place and reducing uncertainty at another. The WIPP SEIS II, therefore, must be a truly national debate which allows the public at all of these facilities to understand and participate in the decisions to be made.

**CARLSBAD AREA
OFFICE RESPONSES
TO ISSUES RAISED
BY THE
CONCERNED
CITIZENS FOR
NUCLEAR SAFETY**

"What is WIPP's purpose?"

The decision not to conduct transuranic waste testing at the WIPP impacted activities at the site and at the newly formed Carlsbad Area Office. The Carlsbad Area Office recognized that the WIPP program must be compliance driven to meet a disposal decision date of January 1998. The result of not testing waste at the WIPP, permitting an enhanced laboratory program to develop needed data even sooner, would be earlier use of the facility in a repository capacity. The WIPP's purpose is clear, first as a research and development facility, and then, if an affirmative disposal decision is reached, as a permanent repository for defense-related transuranic mixed waste.

"Is the WIPP Disposal Decision Plan realistic?"

The Disposal Decision Plan was developed by the Carlsbad Area Office in response to several major programmatic decisions regarding the WIPP program. Recognizing that the WIPP program must be compliance driven, that is, that priority and resources must be devoted to disposal compliance activities, the Carlsbad Area Office developed a draft disposal decision plan based on the succession of regulatory compliance activities required to attain certification of the WIPP program for disposal. The Carlsbad Area Office mailed copies of the draft plan to governmental agencies and a list of more than 200 WIPP stakeholders for their information. In addition, the Carlsbad Area Office conducted a series of meetings and briefings with representatives of these agencies and stakeholders. The plan was completed on April 5, 1994, establishing the WIPP Disposal Decision Plan as formal guidance to all program participants. Since issuance, the Disposal Decision Plan has served to further focus resources within the WIPP program toward attainment of compliance certification. The present Disposal Decision Plan and schedule appear, based on the information we have at present, to be realistic and achievable.

"What is the scope envisioned by DOE for the SEIS II?"

DOE intends for the Disposal Phase Supplemental Environmental Impact Statement, as well as other relevant programmatic environmental impact statements, to act as vehicles for our stakeholders to air environmental and other issues that affect the entire DOE complex.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
CONCERNED
CITIZENS FOR
NUCLEAR SAFETY,
*continued***

The Supplemental Environmental Impact Statement has been planned to become the WIPP Project's primary forum in which all stakeholder concerns will be raised and addressed. The Supplemental Environmental Impact Statement, as currently planned and scheduled, will not only identify all important environmental issues, but will also allow our Stakeholders to identify other issues including those related to operations of the WIPP facility, regulatory compliance, the need for treatment of wastes and other engineered solutions.

The basis for this approach and DOE's internal planning and scoping of the Supplemental Environmental Impact Statement reflects the provisions of the Record of Decision of 1990, the recent Secretarial Policy on the National Environmental Policy Act (June 1994), and DOE's Recommendations for the Preparation for Environmental Assessments and Environmental Impact Statements (May 1993).



ENVIRONMENTAL EVALUATION GROUP

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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EEG Recommendations for WIPP

DOE is to be commended for now emphasizing the demonstration of compliance with EPA Standards in order to begin TRU waste disposal at WIPP.

Examples of key issues affecting compliance that have not been addressed in the past.

- Δ Narrow the 10^{12} range of solubility of WIPP wastes for performance assessment calculations.
- Δ Detailed design evaluations and large-scale permeability testing of underground seal components (planned since July, 1990).
- Δ Effects of extensive oil and gas drilling around the WIPP site, secondary recovery and waste-water injection on the hydrology of the area.
- Δ The hydrology of the strata overlying the repository is not fully resolved. Several tests, proposed by the EEG since 1979 and incorporated in the DOE/NM Consultation and Cooperation Agreement, either started in recent years or are still being planned.
- Δ In spite of general investigations since 1984 and increased testing since 1988, there is still no coherent project position and resolution of the issue of brine-inflow from the repository rock strata.
- Δ RH-TRU waste inventory undefined.
- Δ Retrieval option required by the C and C Agreement and the Land Withdrawal Act may not be possible due to the unanticipated rock-mechanics behavior of the repository.
- Δ Equipment for the measurement of radiation in air does not perform well in the dusty mine environment. Studies are continuing to improve and define the use of such monitoring equipment.

Resolution of a number of compliance issues requires field/laboratory data and analyses that will take time. Therefore, we believe the current schedule to begin waste emplacement in mid 1998 is unrealistic.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
ENVIRONMENTAL
EVALUATION
GROUP**

"Narrow the 10^{12} range of solubility of WIPP wastes for performance assessment calculations."

The range of solubilities used in past performance assessments is an issue with which the DOE must deal. The size of the range reflects uncertainty about the disposal room conditions that may affect actinide solubility, including Eh and pH. The System Prioritization Method process will evaluate the relative benefits and identify potential activities that can be conducted to reduce this uncertainty.

"Detailed design evaluations and large-scale permeability testing of underground seal components (planned since July, 1990)"

Repository sealing is part of the DOE strategy for achieving long-term compliance. Specific activities designed to demonstrate different aspects of seal design and function will be examined in the System Prioritization Method process.

"Effects of extensive oil and gas drilling around the WIPP site, secondary recovery and waste-water injection on the hydrology of the area."

This issue will be investigated further by using three-dimensional models in a study of the effects of randomly placed drillholes that penetrate overlying aquifers. The DOE, however, has no prior reason to expect that such drilling will affect the ability of the repository to comply with regulations for the isolation of the emplaced waste.

"The hydrology of the strata overlying the repository is not fully resolved. Several tests, proposed by the EEG since 1979 and incorporated in the DOE/NM Consultation and Cooperation Agreement, either started in recent years or are still being planned."

The DOE agrees that some aspects of the hydrology of the overlying strata remain unresolved. This observation is true of all complex natural systems. The hydrology of the WIPP area has been studied in detail for nearly 20 years, and a great deal is known. The System Prioritization Method will evaluate the regulatory performance of the repository based on what is known, and will identify the potential benefits, if any, of acquiring additional information.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
ENVIRONMENTAL
EVALUATION
GROUP, *continued***

"In spite of general investigations since 1984 and increased testing since 1988, there is still no coherent project position and resolution of the issue of brine-inflow from the repository rock strata.

Alternative models have been proposed that can account for the observed brine inflow. Field tests to provide a definitive choice between the models would take many years. In the absence of information now to select one model, the DOE will proceed, through the System Prioritization method process, to examine the impacts of the alternatives on compliance.

"RH-TRU waste inventory undefined."

Remote-handled transuranic waste inventory is provided in the Integrated Data Base for 1993. The DOE waste data contained in this report are furnished by DOE contractor sites through the 1993 Waste Management Information System data call for the Integrated Data Base Program. This report summarizes the DOE data base for inventories, projection, and characteristics of radioactive waste. To keep abreast of frequent waste inventory and projection changes, this report is updated annually. Projections of future wastes are generally reported through CY 2030. The document number of this report is DOE/RW-0006 (Revision 9), and a copy can be obtained from the Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37831.

Another resource of remote-handled transuranic waste inventory data is the Waste Isolation Pilot Plant Transuranic Waste Baseline Inventory Report. This report establishes a method for grouping wastes of similar physical and chemical properties, from across the U.S. DOE transuranic waste system, into a series of "waste profiles" that can be used as the basis for waste form discussions with regulatory agencies. The WIPP Baseline Inventory Report is estimated using waste streams identified in the recent information released in the Mixed Waste Inventory Report, supplemented by information from the Nonradionuclide Inventory Database and the 1993 Integrated Data Base. The document number of this report is CAO-94-1005 (Revision 0), and a copy can be obtained from the U.S. Department of Energy, Carlsbad Area Office, P.O. Box 3090, Carlsbad, NM 88221.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
ENVIRONMENTAL
EVALUATION
GROUP, *continued***

"Retrieval option required by the C and C Agreement and the Land Withdrawal Act may not be possible due to the unanticipated rock-mechanics behavior of the repository."

The DOE is currently evaluating technical and regulatory issues involving waste retrieval at the WIPP. As the DOE finalizes its technical position, it will be discussed with project participants and the stakeholders in the System Prioritization Method process.

"Equipment for the measurement of radiation in air does not perform well in the dusty mine environment. Studies are continuing to improve and define use of such monitoring equipment."

The DOE radiological air monitoring program and related systems are designed and operated as state of the art. This system and implementing program have been evaluated by numerous external groups and have been recognized as cutting edge technology. Ambient salt dust in the WIPP mine atmosphere has and always will be managed through operational excellence and the necessary engineering modifications to maintain the system ensuring that it performs to, or exceeds, applicable standards. The studies, as mentioned, will continue to provide information that can be used to improve the program.

Meeting With the Secretary of Energy

EPA Views Concerning WIPP Compliance with the Radiation Disposal Standards

EPA believes that DOE has made some important positive changes in the management of the WIPP project, including greater stakeholder involvement, early exchanges of information with EPA, and examination of the value of research projects towards demonstrating compliance. However, given DOE's commitment to submitting its application for certification in December 1996, EPA has serious concerns about some very critical work that DOE needs to do before it could submit a successful application. Among the most important of these are:

1. Study of Waste Treatment and Other Engineered Barriers

Given the uncertainty involved, DOE needs to look at the effectiveness of engineering enhancements including waste treatments such as solidification, and changes to the containers or the backfill. It is in DOE's interest to complete this study as quickly as possible so that its results can be shared with EPA and used as an input to the System Prioritization Method. EPA has repeatedly requested the plan for the study but has not received it.

2. Waste Characterization

The description of the waste is the backbone of any compliance application, it determines the allowable releases and predictions of repository behavior. DOE has not made significant progress in addressing several major waste characterization issues raised by EPA.

- o Both DOE and EPA recognize the need for waste categories to simplify the analysis of WIPP. The current categories used by DOE have not been shown to be related to performance.
- o DOE should identify the critical parameters of the waste which determine how the waste performs in the WIPP before the waste generators characterize the waste. EPA has requested but has not received a study plan or study results.
- o The current performance assessment does not take into account potential chemical interactions of the waste. DOE must evaluate these interactions.

3. Institutional Controls

Passive institutional controls are required by EPA's disposal rule. DOE's performance assessment currently claims credit for institutional controls to reduce the rate of human intrusion but DOE has to date, not produced any plans for the institutional controls to be used. Without such a plan, no credit of any kind can be given. EPA requests for plans have received no response.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
ENVIRONMENTAL
PROTECTION
AGENCY**

Study of Waste Treatment and Other Engineered Barriers

The engineered alternatives will be addressed in System Prioritization Method two, currently scheduled for completion in March 1995. A complete list of engineered alternatives, including those identified in draft 40 CFR 194, will be analyzed for their potential to enhance compliance with all the regulations. In addition, coupling effects of the various barriers with waste performance in the repository will also be analyzed. A plan for the study is currently being developed.

The next step would be to conduct a risk analysis required by draft 40 CFR 194 and document the results in a report to the Environmental Protection Agency. A draft of the report should be completed by September 1995.

Detailed waste treatment options are presently being developed through the Environmental Management Programmatic Environmental Impact Statement and Federal Facilities Compliance Act efforts. These results will be evaluated and included in the System Prioritization Method as appropriate. A draft of the environmental Management Programmatic Environmental Impact Statement is currently undergoing internal review.

Waste Characterization

The waste characterization categories are identified in the Draft Baseline Inventory Report. Preliminary assumptions for critical waste performance parameters are presently under development and are scheduled for review by the end of October 1994. The potential chemical interactions of the waste will be addressed during System Prioritization Method two.

At the present time waste characterization activities are proceeding at Rocky Flats and Idaho National Engineering Laboratories, Hanford and Oakridge National Laboratories. This includes radio assay, real time radiography and headspace gas sampling. An aggressive waste characterization effort is being postponed until completion of System Prioritization Method two.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
ENVIRONMENTAL
PROTECTION
AGENCY,
continued**

Institutional Controls

A passive institutional controls plan is presently under development. A draft of this plan should be available in November, 1994. The final approach will be included in the March, 1995, draft compliance certification package.

Many specific technical issues have been discussed with the Environmental Protection Agency representatives in a series of Formal Technical Exchange meetings involving senior Environmental Protection Agency and Carlsbad Area Office technical staffs. A listing of those meetings, both already held and planned, including major discussion topics is listed below.

Past Technical Exchange Meetings

- February 22-25, 1994 *Performance Assessment Methodology - from data collection to the actual calculation; Explanation of computer models used in calculating Complementary Cumulative Distribution Functions (BRAGFLO, CUTTINGS)*
- May 3-5, 1994 *Fluid flow in the Salado and Culebra; Geologic processes of the formation surrounding the WIPP repository; Field testing in the Culebra; Castile Brine Reservoirs*
- June 14-15, 1994 *Engineered Barriers (presentation of the Engineered Alternative Task Force Report of 1991); Waste Characterization (Mike Connolly of EG&G) - current characterization program*
- September 22-23, 1994 *Performance Assessment Scenario Selection and Screening Methods - development of all reasonable scenarios and screening for the 1992 Performance Assessment and for the first iteration of the System Prioritization Method*

Future Technical Exchange Meetings

- October 24-26, 1994 *Salado flow; Rock Mechanics; Disposal Room Modeling; Repository sealing*
- November 28-30, 1994 *Data Quality Assurance; Environmental Protection Agency Presentation on compliance guidance document*
- January 10-12, 1994 *Waste Characterization issues*
- February / March *Update of System Prioritization Method two status to include Engineered Alternatives critical waste parameters and scenarios.*



Attorney General of New Mexico

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TOM UDALL
Attorney General

September 20, 1994

MARIE L. TORRES
MARIAN MATTHEWS
Deputy Attorneys General

Ms. Hazel O'Leary
Secretary of Energy
Forrestal Building Room 7A-257
1000 Independence Avenue
Washington, D.C. 20585

Dear Secretary O'Leary:

We appreciate the invitation to comment briefly on DOE-stakeholder relations. We have reviewed your July 29, 1994 guidance on public participation and join you in our dedication to the possibility of an informed two-way dialogue. We look forward to DOE-CAO's development of a program in accordance with that guidance. Immediate issues are as follows:

1. DOE-CAO has given maximum priority to meeting the unrealistic schedule of its Disposal Decision Plan. As a result, stakeholders are rushed to comment upon complex compliance issues on unreasonably short notice. For example, stakeholders received two books, containing DOE's position on scenario development and on Salado fluid flow and transport, on September 15 and are asked to respond at a Carlsbad meeting on September 28-29 (while also attending DOE-EPA technical exchanges on September 22-23 and a stakeholder forum on September 26-27). These are merely two of a series of DOE technical positions that stakeholders must respond to. The time available is totally inadequate and is fixed by DOE-CAO's arbitrary disposal schedule.

2. At the same time DOE-CAO responds extremely slowly to stakeholders. DOE-CAO answered our March 24, 1994 inquiry letter concerning the Systems Prioritization Method on September 9, 1994 -- taking nearly six months. DOE-CAO's response to our April 8, 1994 comments on the 1992 Performance Assessment has still not been provided. It requires months even to obtain already-existing documents from DOE-CAO.

3. Without funding for technical assistance to review WIPP's compliance with EPA regulations we cannot participate effectively. We have been negotiating with DOE to obtain such funding for more than a year and still have obtained nothing.

4. The DOE-CAO stakeholder program is essentially ceremonial. In the forthcoming Stakeholder Forum, DOE-CAO has attempted to assemble on short notice groups to discuss numerous aspects of WIPP -- suggesting that the purpose is to let stakeholders sound off and be done with them. Such a one shot exercise contributes little to ongoing public participation in DO decisionmaking, as called for by your July 29 guidance.

Respectfully,

Lindsay A. Lovejoy, Jr. (by AB)

LINDSAY A. LOVEJOY, JR.
Assistant Attorney General

LAL:th

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE NEW
MEXICO ATTORNEY
GENERAL**

"DOE-CAO has given maximum priority to meeting the unrealistic schedule of its Disposal Decision Plan. As a result, stakeholders are rushed to comment upon complex compliance issues on unreasonably short notice. For example, stakeholders received two books, containing DOE's position on scenario development and on Salado fluid flow and transport, on September 15 and are asked to respond at a Carlsbad meeting on September 28-29 (while also attending DOE-EPA technical exchanges on September 22-23 and a stakeholder forum on September 26-27). These are merely two of a series of DOE technical positions that stakeholders must respond to. The time available is totally inadequate and is fixed by DOE-CAO's arbitrary disposal schedule."

The Carlsbad Area Office is very sensitive to the fact that stakeholders are being asked to participate in a number of activities, and we will continue to address this issue.

The Disposal Decision Plan has served to focus resources within the WIPP program toward attaining compliance certification. The present plan is realistic and achievable.

"At the same time DOE-CAO responds extremely slowly to stakeholders. DOE-CAO answered our March 24, 1994 inquiry letter concerning the Systems Prioritization Method on September 9, 1994 -- taking nearly six months. DOE-CAO's response to our April 8, 1994 comments on the 1992 Performance Assessment has still not been provided. It requires months even to obtain already-existing documents from DOE-CAO."

The Carlsbad Area Office is redoubling efforts to respond to stakeholder needs in a more timely manner.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE NEW
MEXICO ATTORNEY
GENERAL,
*continued***

"Without funding for technical assistance to review WIPP's compliance with EPA regulations we cannot participate effectively. We have been negotiating with DOE to obtain such funding for more than a year and still have obtained nothing.

The Carlsbad Area Office provided a funding profile in June 1994 to the New Mexico Attorney General's Office that would allow for legal, regulatory, and administrative reviews of Environmental Protection Agency compliance documentation. This profile is supported by the Assistant Secretary for Environmental Management, and the funds are currently available within the Carlsbad Area Office budget. To date, the Carlsbad Area Office has not received a proposal from the Attorney General's Office consistent with this profile.

"The DOE-CAO stakeholder program is essentially ceremonial. In the forthcoming Stakeholder Forum, DOE-CAO has attempted to assemble on short notice groups to discuss numerous aspects of WIPP – suggesting that the purpose is to let stakeholders sound off and be done with them. Such a one-shot exercise contributes little to ongoing public participation in DOE decision making, as called for by your July 29 guidance."

The Waste Isolation Pilot Plant Stakeholder Forum, held on September 26 - 27, 1994, in Albuquerque, New Mexico, was conducted as a follow-up to the stakeholder meeting hosted by the Assistant Secretary for Environmental Management, Thomas Grumbly, in June 1993. The intent of this year's forum was to provide an opportunity for stakeholders to discuss their issues with the Carlsbad Area Office and have these issues presented to the Secretary of Energy during her visit to Carlsbad on October 3, 1994. The Carlsbad Area Office is committed to addressing all stakeholder issues discussed in this forum. Stakeholder comments for improving the forum were solicited, and tentative plans for the next forum were raised.

In addition to the stakeholder forum in Albuquerque, the Carlsbad Area Office conducts regular stakeholder meetings on topics such as the System Prioritization Method, the Resource Conservation and Recovery Act permit, and the Environmental Protection Agency compliance documentation. Our stakeholder outreach efforts have expanded and improved; they will continue to do so.

Most stakeholders who attended the September 26-27, 1994, forum found it very worthwhile. As reported in the Albuquerque Journal on September 28, 1994, "Participants, despite coming from different perspectives on WIPP, praised the meeting for bringing together divergent views and giving both project opponents and supporters a chance to speak their mind."

Southern States Energy Board



Southern States Energy Board Transuranic Waste Transportation Working Group*

TRU Waste Transportation Issues of Interest to the Southern and Midwestern WIPP Transportation Corridor States

The following bullet list contains issues of interest to members of the Southern States Energy Board Transuranic Waste Transportation Working Group raised during their September 15, 1994 meeting in Carlsbad, New Mexico.

- States want to review the remote-handled (RH) TRU waste cask design prior to its submission to the U.S. NRC
- DOE should provide timely meeting notifications for local meetings
- States are interested in public information activities prior to a shipping campaign, such as providing a mobile information van and the transport trailer
- States are interested in continued dialogue on all issues associated with possible rail transportation for shipments to the Waste Isolation Pilot Plant (WIPP)
- States want DOE to provide a written suggested equipment list required for the unique properties related to the WIPP shipments
- DOE should sponsor a nationwide toll-free phone line for WIPP information
- States support continued TRANSCOM access and minimization of human and/or software errors
- DOE should provide funding or equipment two years in advance to WIPP corridor states
- DOE should provide a project schedule in the form of a dynamic decision matrix, i.e., regularly updated WIPP project schedule for states' planning



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* The SSEB Transuranic Waste Transportation Working Group is comprised of representatives from Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, South Carolina, Tennessee, and Texas.



**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE SOUTHERN
STATES ENERGY
BOARD**

"States want to review the remote-handled (RH) TRU waste cask design prior to its submission to the NRC"

The National Transuranic Program Office will work hand-in-hand with the Carlsbad Area Office of Intergovernmental and External Affairs to disseminate information concerning the DOE's progress on the development of a Remote-Handled cask design. Periodic briefings will be made to regional state groups such as the Southern States Energy Board and the Western Governor's Association to update them on progress made in the complicated and myriad step Safety Analysis Report for Packaging review process conducted by the Nuclear Review Commission. The current schedule calls for the 72-B cask Safety Analysis Report for Packaging to be submitted to the Nuclear Review Commission by late 1995.

"DOE should provide timely meeting notification for local meetings"

The Carlsbad Area Office is very sensitive to the need to give stakeholders as much advance notice of meetings as possible and will continue to address this concern.

"States are interested in public information activities prior to a shipping campaign, such as providing a mobile information van and the transport trailer"

WIPP public information activities occurring along the western transportation routes are currently coordinated with the individual state contacts designated by the Western Governors Association. As the public information activities increase, the Carlsbad Area Office will coordinate efforts with representatives of the southern and Midwestern states.

"States are interested in continued dialogue on all issues associated with possible rail transportation for shipments to the Waste Isolation Pilot Plant (WIPP)"

The rail study required by the Land Withdrawal Act has been completed and is currently being formulated. The DOE will continue to explore transportation alternatives that could enhance the efficiency, safety and overall cost of operations during disposal.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE SOUTHERN
STATES ENERGY
BOARD, *continued***

"States want DOE to provide a written suggested equipment list required for the unique properties related to the WIPP shipments"

Equipment requests will be based on the established listing being used by the Western Governors Association. Anticipated equipment needs identified by the states and tribes should be clearly stated during the upcoming needs assessments in each state.

"DOE should sponsor a toll-free (1-800 . . .) phone line for WIPP information"

The Carlsbad Area Office is establishing a toll-free 1-800 - access number. The phone line will provide a channel for communication and information exchange with stakeholders. This project will provide an efficient and effective mechanism for public interaction. It is expected to be operational by January, 1995.

"States support continued TRANSCOM access and minimizing errors in the software relating to advance notification"

The DOE has committed to providing access to the transportation communication system for each of those states and Indian tribes through which transuranic waste shipments will pass. Access is supported at their designated point of contact, usually a location operated on a 24-hour per day basis. Support is provided as transportation communication system software and training to those operators designated by the agency. Further distribution of information obtained by having this access is at the discretion of the receiver. As of September 22, 1994, neither this office nor the staff of the transportation communication system control center staff is aware of any: "...errors in software relating to advance notification."

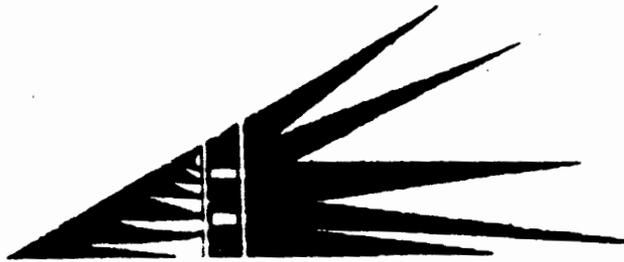
**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE SOUTHERN
STATES ENERGY
BOARD, *continued***

"DOE should provide funding two years in advance to WIPP corridor states to assure equipment delivery"

Training, equipment, and programmatic needs should be identified to DOE in the ongoing needs assessment process. Long range funding and forecasting will enable the DOE to identify and project funding to make this possible. Funding of equipment and training two years before shipments is appropriate, and will be addressed in the next five year cooperative agreement..

"DOE should provide a project schedule in the form of a dynamic decision matrix, i.e., regularly updated WIPP project schedule for states' planning"

The WIPP Disposal Decision Plan is an integrated schedule of key regulatory compliance and institutional activities that require completion before a 1998 disposal decision. The Decision Plan is available to the public and has been provided to outside government agencies and more than 200 stakeholders. It may be obtained by contacting the U.S. Department of Energy, Carlsbad Area Office, P.O. Box 3090, Carlsbad, NM 88221.



SOUTHWEST RESEARCH AND INFORMATION CENTER
P.O. Box 4524 Albuquerque, NM 87106 505-262-1862

SUMMARY OF CONCERNS ABOUT WIPP FOR SECRETARY O'LEARY

1. WIPP activities are being driven by unrealistic schedules, not by good science or compliance with legal requirements.

During the 1980s, WIPP's activities and "decision plans" were designed to get waste into the ground by a date certain, not compliance with environmental requirements of the EPA disposal regulations (40 CFR 191) or the Resource Conservation and Recovery Act (RCRA). That schedule-driven policy resulted in lawsuits in October 1991 by the New Mexico Attorney General, SRIC, other organizations, and Congressmen that stopped WIPP's opening.

Despite your very good decision of October 21, 1993 to eliminate the Test Phase of underground "tests" at WIPP, DOE's "Disposal Decision Plan" of April 5, 1994 appears much like the plans of the 1980s — unrealistic schedules that do not allow for necessary activities including treatment of wastes, determining what WIPP's mission is, and providing adequate time for demonstrating compliance with all legal requirements. (For more detail, see SRIC's letter of August 29, 1994 to Tom Grumbly.)

2. WIPP's mission and its inventory have not been determined.

WIPP was conceived and designed during the Cold War as the facility to handle transuranic wastes resulting from the continued production of nuclear weapons, especially from the Rocky Flats Plant. Despite the end of the Cold War and the re-evaluation of the mission of other DOE facilities, the purpose of WIPP has not been re-evaluated.

WIPP's current design is for 6.2 million cubic feet of transuranic wastes, even though only about one-third that amount of retrievably waste exists. While some DOE officials talk about WIPP handling other materials, including "cleanup" wastes or wastes from dismantled weapons, no such decisions have been made that are supported by legislation or by required documentation under the National Environmental Policy Act (NEPA).

SRIC does not believe that WIPP can go forward successfully until decisions are first made about its mission and inventory. Until the types and amounts of waste are determined, adequate scientific support for compliance determinations cannot be achieved.

SRIC urges you now to:

- * Drop plans for submitting a draft compliance application and a no-migration petition to the EPA and a RCRA disposal permit application to the New Mexico Environment Department in 1995. They cannot be adequate documents and will waste DOE and stakeholder resources.

- * Determine what WIPP's mission and inventory should be through a public process that is integrated with complying with the Federal Facilities Compliance Act, and with the Environmental Restoration and Waste Management Programmatic Environmental Impact Statement, and a supplemental WIPP EIS.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE
SOUTHWEST
RESEARCH AND
INFORMATION
CENTER**

"WIPP activities are being driven by unrealistic schedules, not by good science or compliance with legal requirements"

The Disposal Decision Plan was developed by the Carlsbad Area Office in response to several major programmatic decisions regarding the WIPP program. Recognizing that the WIPP program must be compliance driven, that is, that priority and resources must be devoted to disposal compliance activities, the Carlsbad Area Office developed a draft disposal decision plan based on the succession of regulatory compliance activities required to attain certification of the WIPP program for disposal. WIPP activities are based on scientific data and will comply with legal requirements.

"WIPP's mission and its inventory have not been determined"

The decision not to conduct transuranic waste testing at the WIPP impacted activities at the site and at the newly formed Carlsbad Area Office. The Carlsbad Area Office recognized that the WIPP program must be compliance driven in order to meet a disposal decision date of January 1998. The result of not testing waste at the WIPP, permitting an enhanced laboratory program to develop needed data even sooner, would be earlier use of the facility in a repository capacity. The mission of WIPP has not changed. The mission is to be a research and development facility, and then, if an affirmative disposal decision is reached, to be a permanent repository for defense-related transuranic mixed waste. The inventory of waste to be received at the WIPP has not been completely defined. Approximately 70% of the inventory will be generated as a result of further decontamination and decommissioning, and treatment of current waste forms.



State of New Mexico
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INTERIM COMMITTEES:
Radioactive & Hazardous Materials
Vice-Chairman
New Mexico Finance Authority Oversight
Committee
Science, Technology, Energy & Defense
Conversion

September 30, 1994

The Honorable Hazel O'Leary
Secretary of The Department of Energy
Washington, DC

Dear Madam Secretary:

As a summary of my statement at the stakeholders meeting in Albuquerque on September 27, 1994; The Energy Council of Dallas, Texas with ten member states and the affiliate of Alberta, and the National Conference of State Legislatures representing all fifty states, strongly endorse the opening of the Waste Isolation Pilot Plant as scheduled in 1998.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Light", written over a horizontal line.

Robert S. Light
Chairman of the Energy Committee, NCSL
Chairman of the Council for Legislative
Energy and Environmental Research of
The Energy Council



Honorable Don Pease
Nevada, Senate
Vice Chairman

Honorable Dan Miller
Texas, Senate
Vice Chairman

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POLICY STATEMENT OF THE ENERGY COUNCIL ON THE WASTE ISOLATION PILOT PLANT

Background

Congress authorized the Waste Isolation Pilot Plant near Carlsbad, New Mexico, as a research and development facility to demonstrate the safe disposal of TRU defense-related radioactive waste.

Over \$1 billion has been expended in the development and building of a facility that included environmental impact studies, safety analysis studies, and emergency response plans. In 1992 Congress passed Public Law 102-579, known as the Waste Isolation Pilot Plant Land Withdrawal Act, that allows further testing and experiments that could prove salt deposits in deep geological formation, as recommended by the National Academy of Sciences in 1955, would be a solution to the TRU defense-related waste problem, and limited to that purpose.

Recommendation

The Energy Council urges the Congress of the United States, in accordance with Public Law 102-579, to appropriate adequate funds and direct the Department of Energy and the Environmental Protection Agency to fulfill their respective responsibilities in order for the facility to accept shipments of waste scheduled for 1998. Further, Congress is urged to provide assistance to the host community for an independent environmental monitoring and analytical laboratory to ensure public confidence and safety (i.e., Carlsbad Environmental Monitoring and Research Center); to the state of New Mexico and other affected states for highway maintenance and improvements, emergency response training and equipment, and public education; and to the corridor states for transportation-related impacts.

Disposition

This policy statement, adopted unanimously by The Energy Council on June 14, 1994, shall be distributed to the Majority Leader of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Congressional delegations of the member states and to the Secretary of Energy.

Lori Cameron, Secretary



National Conference of State Legislatures

OFFICIAL POLICY

ENVIRONMENT AND ENERGY

RADIOACTIVE WASTE MANAGEMENT

Waste Isolation Pilot Plant

In accordance with Public Law 96-164, the Department of Energy designed the Waste Isolation Pilot Plant (WIPP) as the first permanent repository for defense generated transuranic (TRU) wastes.

The Waste Isolation Pilot Plant Land Withdrawal Act (PL 102-579), passed by Congress in 1992, allows for further testing and experiments to determine the viability of radioactive waste disposal in deep geologic salt formations as recommended by the National Academy of Sciences in 1985. Positive results would benefit the nation as a waste problem solution.

NCSL urges Congress and DOE to:

- o Appropriate adequate funds and direct the Department of Energy and the Environmental Protection Agency to expedite their respective responsibilities under Public Laws 96-164 and 102-579, to support testing and planned waste receipt in 1998.
- o Implement through DOE, a compensation program that recognizes equity considerations for state and local governments hosting a TRU waste repository and the federal government's obligation to provide such compensation.
- o Provide assistance to the host community to subsidize and maintain an independent environmental monitoring and analytical laboratory to ensure public confidence and safety (i.e., Carlsbad Environmental Monitoring and Research Center).
- o Provide assistance to the state of New Mexico and other affected states for highway maintenance and improvements, emergency response training and equipment, and public education.
- o Provide assistance to corridor states for transportation-related impacts.

Annual Meeting 1994

**TRANSPORTATION ISSUES
WESTERN STATES' ABILITY TO SUPPORT WIPP SHIPMENTS
WESTERN GOVERNORS' ASSOCIATION**

ITEMS AND ISSUES WHICH REMAIN TO BE COMPLETED IN ORDER TO SHIP:

- Concurrence and implementation of the WGA Policy Implementation Guide for Conducting WIPP Shipments in the West, to include protocols on:
 - High Quality Drivers and Carrier Compliance
 - Independent Vehicle and TRUPACT-II inspections
 - Bad Weather and Road Conditions
 - Safe Parking During Abnormal Conditions
 - Advance Notice and Shipment Information
 - Medical Preparedness
 - Mutual Aid Agreements
 - Emergency Response Plans and Procedures
 - Emergency Response Equipment
 - Emergency Response Training/Retraining
 - Public Information and Education
- Fulfill commitments to plan, train and equip emergency medical facilities and their staffs along the western WIPP corridors.
- Continue training, retraining and equipping of state and local emergency responders.
- Test, implement and evaluate the Commercial Vehicle Safety Alliance's "Enhanced North American Inspection Standards" for vehicle inspections.
- Continue support of the open dialogue and regional planning process built over the past five years between DOE, WIPP and the western states. This dialogue has resulted in an exemplary process for addressing transportation issues which has become a model for other high visibility shipping campaigns.
- Support the planning and preparation needs of tribal governments along the western WIPP corridors.

ITEMS AND ISSUES WHICH REMAIN BUT WOULD NOT PROHIBIT SHIPPING:

- Fund the preparation of western states which must support the shipment of transuranic waste from generator to interim storage facilities (e.g., proposed shipments of tritiated water and transuranic waste from LLNL to the NTS).
- Update the TRANSCOM system for shipment notification and tracking shipments. This should include a 1-800 number to allow states to monitor shipments.
- Broaden the funding and planning scope of the western regional safe transport planning process and dialogue to include other radioactive waste shipments, e.g., cesium-137 capsule return program.

**CARLSBAD AREA
OFFICE RESPONSE
TO ISSUES RAISED
BY THE WESTERN
GOVERNORS'
ASSOCIATION**

Through a cooperative and proactive partnership with the Western Governors' Association, the DOE Carlsbad Area Office continues to expedite resolution of outstanding technical, administrative, safety and environmental issues regarding the shipping of transuranic waste to WIPP. The cooperative agreement with the Western Governors' Association, is the vehicle through which the Carlsbad Area Office will work to resolve the identified issues.

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Stakeholders Forum

September 26, 1994

Meeting Attendance Sheet

PLEASE PRINT ALL INFORMATION

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STEVE ZAPPE	NMED / HRMB	" "
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Ruth Weiner	EEG	7007 Wyoming Albq 87109
Beth Fulmer	SSEB	3091 Governor's Ik Dr #400 Norcross, GA 30071
Carl Cox	Westinghouse	Carlsbad
Jack Nugent	Global USA	WASH. DC.
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Ronno Ross	WGA	2040 Pacheco St Santa Fe 87505
CHRIS WENTZ	State of NM	
John Hutton	CARLSBAD (DOL)	
GREGG S. STOV	" COAD	
BOB PARKES	" COAD	
MARK DOWHAM	" COAD	
CLIF STOV	" COAD	
ROD EWING	NAS/Panel	404 Earth Sc. UNM Albuc, NM 87131
1:00 PM ↓ ↓ PM Suzanne Hurst	KBIM-TV	244 N. Ave 1300 N. Pate #F169 Carlsbad, NM 88
Steven G. Oberg	INEL Oversight	1410 N. Hilton Boise, ID 83706
Elmer L. Torres	San Ildefonso GOVERNOR	RT 5 Box 315-A SANTA FE NM 87501
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