PUBLIC MEETING
OF THE
NEW MEXICO RADIOACTIVE WASTE CONSULTATION TASK FORCE
(Governor's Radioactive Waste Task Force)

***FINAL AGENDA***

Thursday, May 2, 1996
State Capitol Building, Room 326
Santa Fe, New Mexico

I. Introductory Remarks
- Jennifer A. Salisbury, Task Force Chair

II. Action Items
- Approval of Last Meeting's Minutes
- Approval of Meeting Agenda

III. Public Comment

IV. WIPP Project Status Reports
- WIPP Project: Compliance Update
  Michael McFadden
  Assistant Manager for Regulatory Compliance
  Carlsbad Area Office/U.S. Department of Energy

- WIPP Issues and Activities
  Robert H. Neill, Director
  N.M. Environmental Evaluation Group

BREAK

V. Mescalero/Utility Spent Fuel Storage Initiative Status Report
- Overview/Update of Project Activities
  Robert M. Burpo, President
  First American Asset Management, Inc.

VI. Discussion of Next Meeting:
  Location, Date, Agenda Items

VII. Adjournment
WIPP UPDATE

New Mexico Radioactive Waste Consultation Task Force

Robert H. Neill

Public Meeting

May 2, 1996

Providing an independent technical analysis of the Waste Isolation Pilot Plant (WIPP), a federal transuranic nuclear waste repository.
Madam Chairperson, Members of the Task Force:

Thank you for the opportunity to appear here to provide an update on EEG’s work since the last meeting on July 14, 1995.

Is WIPP Safe?

A number of recent statements by various officials would suggest that WIPP has been proven to be safe for the disposal of radioactive transuranic waste generated from the nation’s national defense programs and that disposal should begin now. However, DOE has not yet provided the analyses that WIPP meets standards for safe disposal. Amongst the various requirements are containment calculations to show that the chance is less than 1 in 10 that more than 10.7 pounds of plutonium -239 will reach the accessible environment in 10,000 years and also less than 1 in 1000 that more than 107 pounds of plutonium will reach the accessible environment in 10,000 years.

Prior to passage of the WIPP Land Withdrawal Act, DOE could make the determination whether DOE complied with the EPA standards at the DOE WIPP site. However, with the passage of the 1992 WIPP Land Withdrawal Act, Congress gave that responsibility to EPA to make that determination.

DOE expects to complete the task of showing compliance with the standards that were initially promulgated in 1985, by November 1, 1996. The results of this 11 year effort by DOE will be transmitted to EPA. EPA will have one year to review and evaluate the application. EEG, as an oversight group, will also review and evaluate the documentation and publish our conclusions.

Until EPA determines that WIPP meets the requirements specified in the standards, it is incorrect to state that WIPP either does or does not meet the allowable standards for safe disposal and reasonable isolation for 10,000 years.
Review of the DOE Draft Compliance Certification Application

We commend the DOE for their efforts to assess the WIPP's compliance with EPA disposal standards by preparing and publishing a draft document in April 1995 and August 1995. As noted in our review, it is not a draft document to demonstrate compliance. Rather it provides only a framework for the application since it lacks a logical presentation of proofs of compliance. As noted in the DOE preface, it does not contain detailed information. Nonetheless, we look forward to the DOE resolution of the issues identified in our review of the draft document.

Is It Low Level Waste?

No, it is not. The RH-TRU waste can have external gamma dose rates as high as 1,000 R/hour. This is higher than some high level wastes. If it were low level waste, the material would not require deep geological disposal at a cost of $8 billion and could be disposed on the surface for less than $0.2 billion. Needless to say, we would not spend 7.8 billion dollars unnecessarily to isolate most of these materials for 10,000 years.

Does the WIPP Land Withdrawal Act Need Changes at This Time?

It has been 3-1/2 years since Congress passed the WIPP Land Withdrawal Act after obtaining a reasonable consensus amongst the diverse interests. Various proposals have now been put forth in both the House and Senate to amend the 1992 WIPP Land Withdrawal Act. EEG believes that a number of features in those bills would weaken the public health and environmental protection. Various features include the following:

1. Decreasing the time for EPA and oversight groups such as EEG to review DOE's work from 1 year to 6 months. DOE has known that they must meet these standards since 1983. The standards for safe disposal were promulgated by EPA in 1985. After they were vacated in June 1987, within a week New Mexico and DOE entered
into a formal agreement to continue to characterize WIPP with those standards. Only
minor changes were made in the 1993 repromulgation. Hence the standards have
essentially been in effect since 1985. DOE estimates it will complete the analyses by
November 1, 1996. If it will take DOE 11 years to prepare the documentation, it
appears reasonable to allow EPA at least 1 year to review it.

2. DOE has not identified the need to bring any non-defense TRU waste to WIPP.
Hence the provision to allow non-defense waste is not needed.

3. One bill would delete the 1992 LWA requirement to submit a plan for disposal of
non-WIPP TRU waste before bringing any waste to WIPP and would require a plan
in 3 years. If the DOE didn't produce a plan in the past 3.5 years with such an
incentive, it does not appear realistic to expect them to produce one in the next 3
years without any incentive.

4. The bill deletes the language for the test phase of experimental TRU waste. The
current language does no harm and provides flexibility if at some time in the future
we identify any needed experiments with TRU waste at WIPP.

5. Specifying an opening date through legislation is not conducive to establishing public
confidence in the safety of WIPP. If major health and safety problems as well as
regulatory approval problems exist on November 1, 1997, EEG does not believe the
waste should be automatically emplaced at that time.

6. One bill would delete the requirements of WIPP to comply with the mixed waste
requirements of RCRA for a determination of no-migration of the non-radioactive
constituents of the waste. Any such change should wait until DOE publishes an
analysis to show there is minimal risk to the public from volatile organic compounds
emanating from the waste.
7. The requirement to publish a plan for decommissioning by October 1997 would be deleted. EEG believes that it should be required to provide confidence that the decommissioning and dismantlement will be done properly.

8. Piecemeal submittal of the application of a chapter every 6 weeks would permit only 3 chapters to be obtained by November 1, 1996. This would not be a useful requirement.

9. Periodic recertification would be eliminated. As new data and analyses become available, periodic recertification would allow DOE to make any necessary adjustments and demonstrate that the conclusions on safety remain valid and help insure public confidence.

We see no compelling need to modify the 1992 WIPP Land Withdrawal Act at this time. The proposed modifications may create problems in the technical evaluation of the impact of WIPP on the public health, causing potential delays in the schedule.

Publications and Presentations by EEG

* July 1995 - April 1996 Reports and Published Papers *


I have been appointed to two DOE Advisory Committees, two EPA Advisory Committees, and a National Research Council Committee. The following reports have been issued:

**1995 PRESENTATIONS**

Bartlett, W.T.  7/24-27  Health Physics Society Meeting, Boston, MA

Neill, R.H.  8/18/95  Briefing for Congressional Staff, Carlsbad

Chaturvedi, L.  8/25  Briefing for Congressional Staff, Carlsbad

Lee, W.W.-L.  9/3-9  Fifth International Conference on Radioactive Waste Management and Environmental Remediation, Berlin, Germany

Neill, R.H.  9/6-7  NACEPT WIPP Review Committee Meeting, Albuquerque

Lee, W.W.-L.  10/4  ASCE 1995 Fall Meeting of the Mexico, Texas, Oklahoma, and New Mexico Sections, El Paso, TX

Neill, R. H.  10/18  NMED/EEG/DOE Quarterly Meeting, Bartlett, W.T. Albuquerque

Neill, R.H.  10/23  Radioactive and Hazardous Materials Committee, New Mexico Legislature, Carlsbad


M.K. Silva  10/29-11/2  41st Bioassay Conference Workshop on Radiochemistry Laboratory Waste Management, Boston, MA

Gray, D.H.  11/13  Scientific Basis for Nuclear Waste Management XIX, Boston, MA
Silva, M.K. 11/30  Annual National TRU Waste Update Meeting, San Antonio, TX

Clemo, T. 12/5-6  DOE/EPA Technical Exchange Meeting, Carlsbad

* 1996 PRESENTATIONS *

Kenney, J.W. 1/17  CAO/EEG Environmental Monitoring Meeting, Carlsbad

Neill, R.H. 1/25  DOE/EEG/NMEMNRD/NMED 53rd Quarterly Meeting, Santa Fe


Kenney, J.W. 4/17  NMSU, Carlsbad

Neill, R.H. 4/24  NMSU, Carlsbad

The Waste Isolation Pilot Plant: A Solution to a National Problem

United States Department of Energy
Carlsbad Area Office
Michael H. McFadden
Assistant Manager
The mission of the Carlsbad Area Office is to protect human health and the environment by opening and operating the Waste Isolation Pilot Plant for safe disposal of transuranic waste and by establishing an effective system for management of transuranic waste from generation to disposal.
WASTE TYPES

- Low-level radioactive waste
- Transuranic waste
  - Atomic weights > uranium
  - > 100 nanocuries per gram concentrations of transuranic isotopes
  - Half life > 20 years
- High-level radioactive waste
TRU WASTE GENERATOR SITES
55-GALLON DRUM EQUIVALENT
TOTALS THROUGH YEAR 2022

Hanford
INEL
RFETS
LANL
SRS
ORNL
WIPP
ALL OTHERS

221,200
139,400
86,500
24,500
7,700
46,200
13,800

* 1 Drum Equivalent = 0.208 m³

Hanford Hanford Reservation, WA
INEL Idaho National Engineering Laboratories, ID
RFETS Rocky Flats Environmental Technology Site, CO
LANL Los Alamos National Laboratory, NM
ORNL Oak Ridge National Laboratory, TN
SRS Savannah River Site, SC
LLNL Lawrence Livermore National Laboratory, CA
LBL Lawrence Berkeley Laboratory, CA
SSFL Santa Susanna Field Laboratory, CA
NTS Nevada Test Site, NV
ANL-E Argonne National Laboratory-East, IL
Mound Mound Laboratory, OH
KAPL Knolls Atomic Power Laboratory, NY
SNL Sandia National Laboratory, NM

* Total anticipated CH volumes destined for WIPP based on Baseline Inventory Report, Rev. 2
WIPP IS:

- First deep geologic repository in United States
- Permanent disposal for defense-generated nuclear waste
- On schedule for mid-1998 disposal operations
Voluntary Protection Program

New Mexico Mine Operator of the Year

Mine rescue team national championship

Completed 2 million employee-hours without a lost workday due to occupational injury or illness
THE WIPP TRANSPORTATION SYSTEM IS SAFE

- the WIPP transportation system is safer than that employed for any other hazardous material in the U.S...

WIPP Panel of the National Academy of Sciences

- Monitored by satellite tracking system
- Procedures for accident prevention
- Drivers are highly trained
- Emergency responders are trained
TRUPACT SHIPMENTS

- Number of TRUPACT shipments will increase as more waste is certified for shipment

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PROPOSED TRU SHIPMENT ROUTES

Waste Isolation Pilot Plant (WIPP)

Highway Legend
- Proposed Interstate Highways
- Formerly Designated Routes
- Interstate Highways
- U. S. Highways
TRUPACT SHIPMENTS (cont.)

- Shipment routes are phased in order to provide emergency response training

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<td>Hanford</td>
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KEY MILESTONES COMPLETED
Since Last Status Briefing

- Baseline Inventory Report (BIR Rev. 2) issued
- EPA issued 40 CFR 194
- Final experimental data to models
- Waste Acceptance Criteria Rev. 5 issued
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<td>No-Migration Variance Petition</td>
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<td>United States Environmental Protection Agency</td>
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<td>Part B Permit Application</td>
<td>40 CFR 264</td>
<td>New Mexico Environment Department</td>
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<td><strong>Radioactive Waste</strong></td>
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<td>Draft Compliance Certification Application, 31 March 1995</td>
<td>40 CFR 191</td>
<td>United States Environmental Protection Agency</td>
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<td>31 March 1995</td>
<td>40 CFR 194</td>
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RCRA PART B STATUS

• NMED order dated 9/2/94 specified updated application submittal no later than 5/31/95

• Revision 5 submitted 5/26/95

• NMED determined administrative completeness on 7/25/95

• NMED issued technical Notice of Deficiency on 3/14/96

• WIPP responded to NOD on 4/12/96
NO-MIGRATION VARIANCE PETITION

- CAO submitted "operational phase" NMVP to EPA OSW in May 1995
- Received draft comments from EPA in January 1996
- Responses prepared to address EPA comments
- CAO will submit final NMVP to EPA in June 1996
40 CFR 191 COMPLIANCE CERTIFICATION APPLICATION

• Draft submitted to EPA in March 1995

• Plan to submit final application in phased format through August 1996
  - Allows EPA to maximize review time
  - EPA will provide general *completeness* comments

• Final application complete by October 1996
LAND WITHDRAWAL AMENDMENTS ACT

- HR 1663 - Skeen, Schaefer, Crapo
- S 1402 - Craig, Kempthorne, Johnston
THE AMENDMENTS...

• Change EPA's role
  - HR 1663 - EPA certifies (1 year); DOE submits application in increments
  - S 1402 - EPA certifies, but scope limited (6 months)

• Repeal 180-day waiting period

• Eliminates plans/studies as disposal requirement
  - HR 1663 - repealed
  - S 1402 - plans/studies required at later date

• Exempts WIPP waste from RCRA land disposal restrictions

• Accelerates opening
  - HR 1663 - November 30, 1997
  - S 1402 - June 30, 1997
WIPP: One valuable step towards solution of the national nuclear waste disposal problem

- WIPP is focused and on schedule
- Transportation system is operational and safe
- Path to regulatory compliance identified
- Disposal operations will begin April 1998
- LANL will be the first site to ship TRU waste to WIPP followed soon thereafter by LANL
WIPP SHIPMENT ROUTES

Designated by the State of New Mexico

LANL 3,762 shipments
15% volume

* Not part of WIPP shipment route
OVERVIEW and STATUS of FEDERAL WIPP LEGISLATION

• H.R. 1663, THE WIPP LAND WITHDRAWAL AMENDMENT ACT

KEY PROVISIONS

-- PROVIDES FOR THE INCREMENTAL SUBMISSION AND REVIEW OF DOE'S COMPLIANCE CERTIFICATION APPLICATION IN ACCORDANCE WITH 40 CFR 191

-- DELETES CERTAIN EXISTING RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) REQUIREMENTS (i.e., LAND DISPOSAL RESTRICTIONS, 40 CFR 268)

-- ELIMINATES CERTAIN PREREQUISITES TO OPENING WIPP FOR DISPOSAL (e.g., 180-DAY CONGRESSIONAL "WAITING" PERIOD; COMPLETION OF TRU WASTE DISPOSAL RECOMMENDATIONS)

-- PROVIDES $20 MILLION IN "ECONOMIC ASSISTANCE TO THE STATE OF NEW MEXICO UPON ENACTMENT OF THE BILL; AUTHORIZES PAYMENT OF $20 MILLION PER YEAR THEREAFTER FOR 15 YEARS

-- ACCELERATES THE OPENING OF WIPP FOR DISPOSAL OPERATIONS (TO NOVEMBER 1997)

STATUS OF LEGISLATION

-- INTRODUCED ON MAY 17, 1995, BY CONGRESSMAN JOE SKEEN (R-NEW MEXICO); CO-SPONSORED BY DAN SCHAEFER (R-COLORADO) AND MIKE CRAPO (R-IDAHO)

-- REFERRED JOINTLY TO THE HOUSE COMMITTEE ON COMMERCE AND THE COMMITTEE ON NATIONAL SECURITY

-- HEARING BEFORE THE (HOUSE COMMERCE) ENERGY AND POWER SUBCOMMITTEE ON JULY 21, 1995; SUBCOMMITTEE PASSED THE BILL ON JULY 28

-- BILL AMENDED BY FULL HOUSE COMMERCE COMMITTEE (SCHAEFER AMENDMENT) ON MARCH 13, 1996, AND PASSED ON A VOICE VOTE

-- NO ACTION TO DATE BY HOUSE COMMITTEE ON NATIONAL SECURITY; NOT KNOWN WHETHER THIS COMMITTEE WILL TAKE ANY ACTION

-- LEGISLATION WOULD THEN GO TO THE FULL HOUSE FOR A VOTE
S. 1402, THE WIPP LAND WITHDRAWAL AMENDMENT ACT

KEY PROVISIONS

-- COMPANION BILL TO H.R. 1663

-- LIMITS EPA'S REGULATORY ROLE REGARDING THE DOE DISPOSAL APPLICATION (e.g., CERTIFICATION AUTHORITY WOULD BE RETAINED BY EPA, BUT A 6-MONTH REVIEW OF DOE'S APPLICATION IS MANDATED)

-- EXEMPTS WIPP FROM THE EXISTING RCRA LAND DISPOSAL RESTRICTIONS (NO-MIGRATION REQUIREMENTS)

-- ELIMINATES VARIOUS EXISTING PREREQUISITES TO OPENING WIPP FOR DISPOSAL OPERATION, BUT STILL REQUIRES DOE TO CONDUCT CERTAIN PRESCRIBED STUDIES

-- PROVIDES $20 MILLION IN "ECONOMIC ASSISTANCE TO THE STATE OF NEW MEXICO UPON ENACTMENT OF THE BILL; AUTHORIZES PAYMENT OF $20 MILLION PER YEAR THEREAFTER FOR 15 YEARS

-- ACCELERATES THE OPENING OF WIPP FOR DISPOSAL OPERATIONS (TO JUNE 30, 1997)

STATUS OF LEGISLATION

-- INTRODUCED ON NOVEMBER 8, 1995, BY SENATOR LARRY E. CRAIG (R-IDaho); CO-SPONSORED BY J. BENNETT JOHNSTON (D-Louisiana) AND DIRK KEMPTHORNE (R-IDaho)

-- REFERRED ONLY TO THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

-- NO ACTION ON THE BILL BY THE SENATE ENERGY COMMITTEE DURING 1995

-- NO HEARINGS OR OTHER ACTION SCHEDULED THUS FAR IN 1996 BY THE SENATE ENERGY COMMITTEE

SOURCE: CHRIS J. WENTZ, COORDINATOR, N.M. RADIOACTIVE WASTE CONSULTATION TASK FORCE, APRIL 1996.