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Change in Law, State Stance Clear Way for WIPP

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The U.S. Department of Energy's new position that it intends to open a nuclear waste dump in southern New Mexico without a permit from state environment regulators runs contrary to what the agency has been saying for years.

In official documents, letters and informal communications, the Energy

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Department long has maintained it would not open the Waste Isolation Pilot Plant until it received the state hazardous waste permit.

But the agency's shift was made possible by two things — a change in the law last year that made WIPP exempt from one portion of the hazardous waste law,

and an October letter from the state Environment Department that said the Energy Department was free to open WIPP without the permit.

As a result, Energy Department officials now say they intend to open WIPP as soon as they get certification from the U.S. Environmental Protection Agency that WIPP can safely contain radioactive waste — even if the state has not issued a hazardous waste permit by then.

"There's no reason to delay this," said George Dials, the Energy Department's WIPP program manager.

Drums destined for WIPP contain tools, trash, clothing and other material contaminated during nuclear weapons production. Most of those drums also contain lead, cleaning solvents and other materials regulated as hazardous, but not radioactive, waste.

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