

Dear Robert Dinwiddie

I'm requesting an extension  
of the comment period for  
the WIPP project.

Thank you  
Beth Harwin



980868





# CCNS

*Concerned Citizens for Nuclear Safety*

## WIPP ALERT

August 1998

WRITTEN COMMENTS ON THE WIPP HAZARDOUS WASTE PERMIT  
ARE DUE AUGUST 14, 1998

### BACKGROUND

The Department of Energy (DOE) plans to bury a portion of the transuranic<sup>1</sup> mixed waste<sup>2</sup> from nuclear weapons production that is currently stored at nuclear weapons sites across the country at the Waste Isolation Pilot Plant (WIPP).<sup>3</sup> The New Mexico Environment Department (NMED) has authority to issue a state permit that will regulate the disposal of the non-radioactive hazardous materials in the nuclear weapons wastes planned to be buried at WIPP. A draft state WIPP permit was issued for public comment on May 15, 1998. NMED's deadline for accepting written comments on the draft WIPP permit is August 14, 1998.

DOE announced plans to open WIPP in May 1998, but has been prevented from shipping any waste because NMED has not yet issued the final WIPP permit. In an attempt to bypass state authority, DOE announced that it would ship purely radioactive waste in advance of the final state permit. Concerned Citizens for Nuclear Safety (CCNS), Southwest Research and Information Center, and the New Mexico Attorney General have filed lawsuits to prevent DOE from opening WIPP without a state hazardous waste permit. So far, DOE has not been able to provide proof that the designated waste is not mixed. In its attempts to satisfy NMED's questions about the waste content, DOE submitted a waste sampling and analysis plan which greatly differs from DOE's waste characterization proposal in its permit application. The new sampling and analysis plan is intended to confirm that DOE knows what is in the waste barrels. Neither DOE nor NMED has released the sampling analysis plan for public comment.

### ASK NMED TO EXTEND THE COMMENT PERIOD

DOE has modified the draft WIPP permit by submitting its waste sampling and analysis plan to NMED. The public should be allowed to comment on the plan. NMED should issue a modified draft permit that contains the new plan and extend the comment period to allow public comment. NMED will not do this without your letters. Send your request for extension to the address at the end of this fact sheet.

<sup>1</sup> Transuranic means elements heavier than uranium. The chief transuranic radioactive element in WIPP waste is plutonium 239 that has a half-life of 24,000 years and remains dangerous for 240,000 years.

<sup>2</sup> Mixed waste means that the radioactive elements are mixed in with non-radioactive hazardous materials that are toxic, flammable, carcinogenic, or corrosive.

<sup>3</sup> WIPP is the first-of-its-kind permanent underground dump for waste from nuclear weapons production. Located in salt beds southeast of Carlsbad, N.M., WIPP has been constructed, but has yet to open.

## THE WIPP DRAFT HAZARDOUS WASTE PERMIT FACTS

In the event that NMED refuses to extend the comment period, the following facts highlight some of the good and bad parts of the draft WIPP permit as issued.

- The draft permit is for five years, and will be re-evaluated at the end of that time.
- The draft permit allows waste to be buried in "panel 1." Panel 1, which contains seven rooms, was excavated in 1986 and 1988 and is not stable. This is because the enormous underground pressure of salt beds at WIPP causes any excavated rooms to collapse or cave in on themselves. DOE's plan has always been to excavate the rooms immediately before disposal operations, load the waste, and let the room collapse around the waste. Panel 1 was excavated too soon and is no longer safe for workers to work in. Therefore, the WIPP permit should prohibit the use of panel 1.
- The draft permit should require full physical analysis of the waste to be buried at WIPP. DOE's current plan depends on "acceptable knowledge," which means that DOE relies on historic records rather than actual physical analysis to verify the contents of waste barrels. However, DOE's documentation is incomplete and inaccurate. Because WIPP's ability to isolate waste from the environment depends on strict limits for the kind of waste to be shipped, DOE must be accurate and certain about the content of the waste barrels it ships. DOE cannot be sure of the barrel contents without physical analysis. Therefore, the permit should require physical analysis of all waste barrels until DOE has proven through physical analysis that its acceptable knowledge documents are accurate and complete.
- The draft permit excludes burial of any remote-handled waste (RH-TRU) for the first five years covered by the permit. RH-TRU waste has radioactive emissions levels that are too high to be handled by hand. Since DOE has not yet done studies to show how RH-TRU waste will behave at WIPP, this exclusion is appropriate. Therefore, NMED should retain the RH-TRU exclusion in the final permit.
- The draft permit requires that NMED approve each generator site waste stream before this waste may be shipped to WIPP. DOE must request a permit modification from NMED before any out-of-state waste may be shipped. In this way NMED protects the state of New Mexico by requiring NMED approval of waste characterization procedures in other states. The modification provision gives NMED the right to control how wastes in other states are sampled before they can be shipped to WIPP. Therefore, NMED should retain the permit modification provision in the final permit.

Send your request for an extension of the comment period and your draft permit comments to:

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Hazardous and Radioactive Materials Bureau  
RCRA Permits Management Program  
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