



February 19, 1999
Number 2

Court dates set; RCRA hearing begins in Santa Fe

The U.S. Department of Energy (DOE) Carlsbad Area Office is moving forward on issues related to the opening of the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. Recent and upcoming activities are described below.

Court date set on WIPP injunction

- Judge John Garrett Penn will hear oral arguments on March 12 on whether to lift the 1992 injunction on placing transuranic waste at the WIPP.
- New Mexico Attorney General Patricia Madrid had asked a federal judge to delay a court filing deadline while her office and the DOE sought to reach a settlement on the injunction barring the opening of the WIPP.
- Unable to reach a settlement by the deadline, the Attorney General filed her brief in U.S. District Court in Washington, DC on February 1, 1999, but left the door open to continue settlement discussions.
- In a statement, Madrid said: "I am committed to maximizing the benefit we may obtain from DOE and protecting New Mexico's authority over the activities conducted within our border."
- Madrid succeeded two-term Attorney General Tom Udall on January 1, 1999. She had asked for earlier filing extensions in order to review the eight-year-old lawsuit.

The U.S. Department of Energy Carlsbad Area Office has prepared this bulletin to update stakeholders on the rapidly changing regulatory and legal status of the Waste Isolation Pilot Plant.



- Other parties to the suit include the Southwest Research and Information Center (SRIC), Concerned Citizens for Nuclear Safety (CCNS), the Natural Resources Defense Council (NRDC), and the Environmental Defense Fund (EDF). They filed their brief on January 25, 1999.
- Depending on the outcome of this lawsuit and other considerations, the DOE plans to open the WIPP for disposal of non-mixed transuranic waste this year.
- The DOE hopes for a favorable outcome based on recent sampling results from a Los Alamos National Laboratory waste stream.
- The New Mexico Environment Department (NMED) confirmed DOE's findings that the waste stream (TA-55-43, Lot No. 01) did not contain hazardous materials, and therefore was not subject to state regulation under the Resource Conservation and Recovery Act.

Public hearing on hazardous waste permit to begin in late February

- The DOE plans to testify on the revised draft hazardous waste permit at a public hearing scheduled to begin February 22, 1999, in Santa Fe. The hearing will continue March 8, 1999, in Carlsbad. If necessary, the hearing will reconvene March 15, 1999, in Santa Fe.



990206



- The NMED reports that about 15 organizations and/or individuals have submitted written comments on the revised draft permit. All written comments are public record and available for review at the Harold Runnels Building in Santa Fe, New Mexico.
- Persons wishing to provide non-technical testimony at the public hearing were advised to sign up through February 1, 1999. Walk-in registrants for non-technical testimony may be allowed as time permits.
- Issuance of the final hazardous waste permit, anticipated between July and September 1999, will authorize the DOE to begin the disposal of mixed transuranic waste at the WIPP according to permit conditions.
- For more information, check the legal notice on the NMED Home Page at www.nmenv.state.nm.us/wipp.

Court date on EPA suit set

- The U.S. Environmental Protection Agency (EPA) has filed its response to a lawsuit brought by the New Mexico Attorney General and others.
- A hearing date for this suit, in the U.S. Court of Appeals for the District of Columbia, has been set for May 6, 1999.
- The EPA states that the site meets all necessary regulations and denies flaws in the certification process.
- Other parties to the suit include SRIC, CCNS, Citizens for Alternatives to Radioactive Dumping, and Santa Fe citizen Patricio Larragoite.

New CAO manager sought

- The DOE is moving forward with the process of selecting a permanent manager for the DOE Carlsbad Area Office (CAO). The deadline for applying for this position was January 25, 1999.
- Klein, deputy manager of the DOE's Rocky Flats Field Office in Colorado, has more than 25 years experience in nuclear operations, transportation, and waste management.
- In the meantime, Secretary of Energy Bill Richardson has named Keith A. Klein acting CAO manager. Klein will serve in that position until a permanent manager is chosen.



U.S. Department of Energy
 Carlsbad Area Office
 P.O. Box 3090
 Carlsbad, NM 88221
 1-800-336-9477

This bulletin and other information about the Carlsbad Area Office and the Waste Isolation Pilot Plant can be found on the National Transuranic Waste Program Home Page at:
www.wipp.carlsbad.nm.us