

LETTERS TO THE JOURNAL

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State's WIPP Permit Goes Beyond Prudence

SINCE THE Department of Energy filed its lawsuit earlier this month challenging certain provisions of the New Mexico Environment Department's recently issued permit for the Waste Isolation Pilot Plant in Carlsbad, there has been widespread misunderstanding and in some cases anger. ...

It is *not* DOE's position that it should be free from state regulation at WIPP. ... As a member of Congress, Secretary Bill Richardson fought to ensure that the state would have an extensive regulatory role. His position has not changed.

After a very long regulatory process, the Environment Department has issued a permit that is roughly *6 inches thick*. ... We have filed suit with respect to only five provisions. In one case, we are simply seeking a clarification of a provision we believe to be unclear.

The remaining challenges, however, relate to provisions that we believe are unprecedented, unduly costly or entail unwarranted exposure of our workers to radiation without any corresponding benefit to the public or the environment. ...

The so-called financial assurance requirement of the permit has drawn the most attention because complying with it involves using monies that would otherwise go to the same for highway construction.

Some have interpreted that as retribution by DOE for imposing a requirement we don't like. The reality is that the budget for WIPP competes for dollars with all DOE's cleanup obligations around the country. ... Taking the money to meet this unprecedented requirement out of the highway funds provided for in the WIPP budget seemed most equitable and least likely to harm the environment by slowing the cleanup program elsewhere. Congress agreed with this judgment. ...

Neither the New Mexico Environment Department nor any other state or federal environmental regulator has imposed such a requirement on a DOE facility anywhere else in the country. ...

Given the budgets for cleanup are flat or shrinking, paying money now for this future need means that some pressing environmental priorities elsewhere cannot be met. We don't think that's good for the environment, nor is it necessary to ensure proper closure of the facility when the time comes.

Contrary to the claims of some, DOE has not walked away from a cleanup obligation anywhere in the country.

The principal ... requirement DOE is challenging ... entails the reopening of drums and visual examination of waste that has already been packaged for shipment to WIPP. Based on historical records and confirmed by special X-ray processes, we know with a high degree of certainty what is in those drums.

Nevertheless, the permit requires DOE to reopen a large number of the drums to reconfirm the contents. Complying with this requirement will cost millions of dollars. More importantly, however, it will require increased exposure of DOE workers to radiation, with no offsetting benefit to the environment. These drums will be disposed of in a facility that EPA, the National Academy of Sciences and the New Mexico Environment Department have already determined can safely isolate these wastes.

It would be a reckless disregard of the interests of our workers to let this provision, conceived of only in the closing months of the permitting process, to stand unchallenged. ...

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