

July 15, 2003

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Regarding Waste Isolation Pilot Plant Permit Modification Requests

- Item 1 – Packaging-Specific Drum Age Criteria for New Approved Waste Containers
- Item 2 – Removal of Booster Fans
- Item 3 – LANL Sealed Sources Waste Stream Headspace Gas Sampling and Analysis Requirements
- Item 4 – Removal of Formaldehyde as a Required Analytical Parameter for LANL
- Item 5 – Add New Hazardous Waste Numbers

Dear Mr. Zappe,

Nuclear Watch of New Mexico (NWNM) **opposes** the proposed modifications to the Waste Isolation Pilot Plant's (WIPP) Hazardous Waste Facility Permit (HWFP). NWNM believes that these requests are incomplete and therefore do not allow for the most comprehensive analysis that the public and the New Mexico Environment Department (NMED) is entitled to. Furthermore, because of the lack of information within the permit modification requests (PMR) NWNM believes that there is insufficient justification for a number of these modifications. NWNM **strongly recommends** that NMED **deny** these modifications.

As you know, regulations under the New Mexico Hazardous Waste Act (20 NMAC 4.1.900 incorporating 40 CFR §270.42(b)(7)) provides that it may deny any Class 2 permit modification request (PMR) for the following reasons:

1. the modification request is incomplete;
2. the modification request does not comply with other regulations covering operating standards for hazardous waste storage and disposal facilities; or
3. the conditions of the modification fail to protect human health and the environment

The following stated reasons justify NWNM's recommendation to deny the PMRs.

Packaging-Specific Drum Age Criteria for New Approved Waste Containers

This modification makes a number of assumptions on the drum age criteria (DAC) for the newly approved 85-gallon, 100-gallon and ten drum overpacks. One such assumption deals with the use of the 100-gallon drums and the Advanced Mixed Waste Treatment

Facility. DOE states that 55-gallon drums that are to be compacted and then placed in 100-gallon drums will be expected to meet the 55-gallon drum DAC prior to being crushed. This is inappropriate, as crushing the 55-gallon drum the closed system model will be nonexistent, as is required by the current DAC.

NWNM believes that this PMR has been inappropriately classified as a Class 2. Only through a Class 3 process may all the questions and concerns be answered. Through a Class 3 process, human health and the environment will be most fairly protected and DOE will be able to properly prove that its DAC model is not filled with assumptions. Until this PMR is reclassified as a Class 3, NWNM believes that this PMR should be denied.

Removal of Booster Fans

DOE has submitted this PMR for a second time. Its first attempt was through a Class 1*, which DOE withdrew. Unfortunately, not all questions related to the Class 1* PMR have been answered in this Class 2 PMR. While NWNM wants and expects the best for human health and the environment, and while DOE states that one of the reasons it is requesting to remove the booster fans is due to a potential human health issue, we still believe that this PMR is incomplete.

DOE explains that in the early 1990's the booster fans may be used to assist in the event of a fire through airflow reversal mode. DOE now believes that this is not the case, and that using the airflow reversal mode may actually do more harm than good. The immediate question that comes to mind is: why is DOE required to use the airflow reversal mode at all? DOE does not state that this is an automated program that will happen in the case of a fire, and it does not state that there is no way to deactivate the fans from going into airflow reversal mode. What is the problem with leaving the fans where they are? What is DOE going to use the space for? There are a host of questions that have not been answered and until they are this PMR should be denied.

LANL Sealed Sources Waste Stream Headspace Gas Sampling and Analysis Requirements

The irony of this PMR is due to the fact that Los Alamos National Laboratory (LANL) has a poor acceptable knowledge (AK) history, and that this PMR is based on LANL's AK. Furthermore, DOE is implementing the use of National Security as a reason for a PMR, something that NWNM is very leery of.

How many problems in the past has LANL had with AK? Is there a documented record of this? If not, then one should be produced, and if so, then it should be produced within the modification request.

How many other sites within the DOE complex store sealed sources? When will WIPP be expecting to accept sealed sources from these other sites? When the additional sites are prepared to send sealed sources to WIPP, will DOE be expected to submit another

Class 2 PMR? NWNM firmly believes that these additional sites should not be approved to dump sealed sources at WIPP through a Class 1 PMR.

Will there be a “double-checking” of LANL’s classification and characterization of the sealed sources waste? If so, who will be doing that checking? Again, NWNM firmly believes that LANL should be required to have additional checks in place to make certain that the sealed sources waste is what it believes it is, and this should be so stated in the HWFP.

As sealed sources waste is a National Security risk, will DOE be escorting the shipping trucks from LANL to WIPP? It is inappropriate for DOE to state that this is a National Security risk without putting the proper security in place during shipping. This is clearly an issue of human health and the environment.

DOE should also state how much of the sealed sources waste at LANL is or is not defense related waste, as any non-military sealed sources waste would be prohibited at WIPP. NMED should be made truly certain that this is the case, and that fail-safes are in place to prevent prohibited sealed sources waste from coming to WIPP.

NWNM believes that this is not a properly classified request. NMED should deny this as a Class 2 PMR and require DOE to resubmit this PMR as a Class 3.

Removal of Formaldehyde as a Required Analytical Parameter for LANL

As is the case for the sealed sources modification request, this PMR assumes that LANL’s AK is problem free. Furthermore, DOE does not clearly justify this modification. Why is it that this is required in the first place? How much money will be saved? How does this assist the DOE cleanup program? Does this increase worker safety? None of these questions are answered.

In addition to the above questions, none of the documentation that is provided in the PMR directly shows that there is no formaldehyde in the LANL wastes. As a result this is an incomplete modification and may negatively impact human health and the environment.

Again, this is an incomplete modification, and until DOE answers a number of questions NWNM requests that it be denied.

Add New Hazardous Waste Numbers

NWNM believes that DOE has not adequately justified this PMR. As in the case of the DAC PMR, there are many assumptions that have not been properly explained.

While DOE states that the new hazardous waste numbers (HWN) are from experiments and research done at the Rocky Flats Environmental Technology Site (RFETS), the PMR does not limit the additional HWNs to just RFETS. NWNM believes that this PMR is

too broad in its scope to truly maintain the safety of human health and the environment. This PMR gives carte blanche to all the DOE sites that will be shipping waste to WIPP with these HWNs. This is unacceptable, as no real analysis has been done outside of RFETS. Of course, this is under the assumption that RFETS's analysis of its own waste is correct, something that NWNM does not believe to be true

This PMR should be denied, as it is incomplete and also potentially harmful to human health and the environment.

Mr. Zappe, NWNM believes that none of the submitted PMRs should be approved by NMED. We believe that the above explanations cover only the tip of the iceberg and there are a host of other issues with these PMRs that should be corrected before NMED approves any of these modification requests.

We thank you for your careful consideration of these comments.

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