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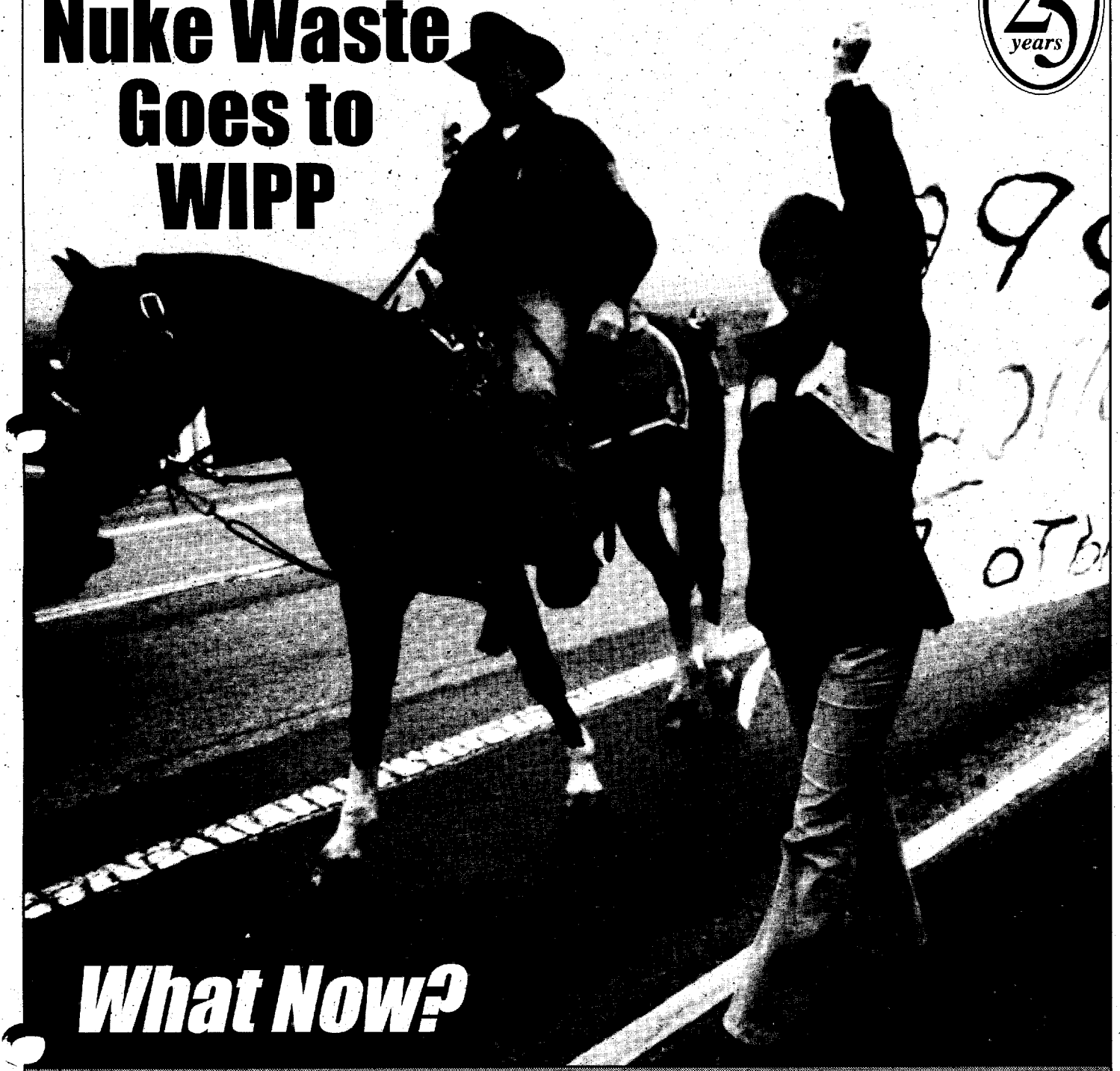
Nuke Waste Goes to WIPP



What Now?

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WIPP
The next chapter in the nuclear waste storage dilemma

By Don Hancock

One truckload of nuclear waste arrived at the Waste Isolation Pilot Plant (WIPP) in southeastern New Mexico, about 26 miles east of Carlsbad, on March 26, 1999. The shipment marked the opening of the world's first nuclear waste repository for radioactive and toxic materials that are hazardous for literally thousands of generations. If it is filled to its legal capacity, WIPP will be one of the most dangerous places in the country.

The U.S. Department of Energy (DOE) plans to bring to WIPP about 13 tons of plutonium (of the roughly 100 tons that the U.S. has created over the past 50 years) and undeterminable tons of toxic chemicals, some of which cause cancer even in small quantities. One or two other DOE sites might have more plutonium than WIPP, and some hazardous waste sites would have larger amounts of toxic chemicals. But few places would have the combination of radioactive and hazardous wastes, and none other is designated as a permanent disposal site. And the risks are not just for present and future generations of people living in southeastern New Mexico and west Texas. DOE plans to ship about 38,000 truckloads of waste through 22 states to WIPP over the next 35 years.

- ✶ *Hanford, Washington*
- ✶ *Idaho National Engineering & Environmental Lab (INEEL)*
- ✶ *Los Alamos National Lab (LANL)*
- ✶ *Rocky Flats, Colorado (RFETS)*
- ✶ *Savannah River Site, South Carolina (SRS)*
- ✶ *Oak Ridge, Tennessee (ORNL)*
- ✶ *Lawrence Livermore, California (LANL)*
- ✶ *Nevada Test Site (NTS)*
- ✶ *Mound Laboratory, Ohio*
- ✶ *Argonne National Lab-East, Illinois (ANL-E)*
- ✶ *WIPP, Carlsbad, New Mexico*

Citizen groups will continue to oppose the WIPP facility, so its future is in doubt. It is opposed on the grounds that WIPP does not have an operating permit from the New Mexico Environment Department (NMED) because the site is unsafe — especially because drilling for oil and natural gas in and near the site can cause massive releases of radioactivity and toxic chemicals — and because transportation of the wastes imposes risks of deaths and injuries. Aside from these considerations, WIPP is not a solution to nuclear waste contamination at any DOE site, since DOE intends WIPP to handle less than two percent of the existing nuclear weapons wastes. DOE's own environmental impact statements assert that wastes are safer at existing sites for at least 100 years, making WIPP the least safe alternative. Further, DOE has no intention to relocate the wastes that cause significant soil and water contamination at major DOE sites, nor does it have adequate plans to deal with that contamination.

WIPP's future also may be affected by events at the site. The waste hoist, which transports waste from the surface storage building to the underground disposal rooms, broke down on May 24, temporarily stopping waste disposal. A more serious problem will be the likely collapse of the roof in one or more of the seven existing disposal rooms, mined more than10 years ago to prepare for WIPP's planned opening in 1989. It is most apt to occur in the room where waste is now being disposed, because maintenance and construction of roof supports cannot be done now that the room is no longer empty. Independent experts have testified that tons of ceiling could fall with only a few days' notice. Nevertheless, DOE remains confident that it can maintain the rooms to avoid any roof falls over the next several years.

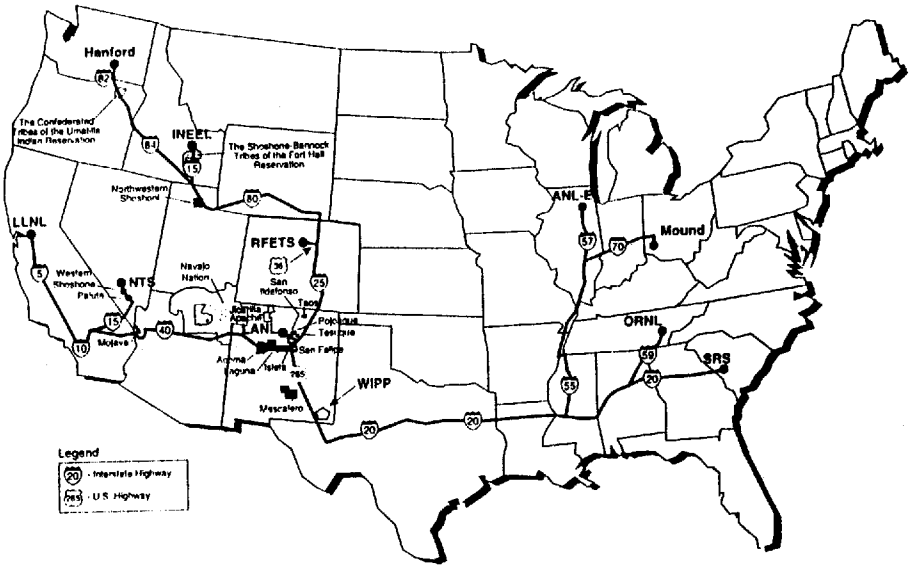
More Shipments Scheduled

Although it will not have an operating permit from the New Mexico Environment Department, DOE intends to continue to ship waste to WIPP during 1999. Since the March opening, DOE has sent about one truckload each week from Los Alamos National Laboratory in New Mexico to WIPP. The 17 shipments approved by a federal court judge are scheduled to be completed by the end of July. One shipment arrived from Idaho in late April, but no more shipments are likely this year from that state because of continuing problems with complying with DOE's procedures. Any other shipments this year would come from the Rocky Flats Plant in Colorado — the first truck left on June 15, delayed by one hour by protesters — and one shipment each week thereafter.

Over time, WIPP's future will be affected by the strength of citizen opposition, the results of legal actions to close WIPP or limit its operations, whether or not NMED decides to issue a permit and what limitations are imposed, and EPA decisions regarding DOE's compliance with its certification conditions. There will undoubtedly be attempts to expand WIPP to include more waste (previously considered and now being suggested by the new WIPP manager).

Historical Perspectives

Fires in 1969 and 1970 at the Rocky Flats Plant near Denver, Colorado, were the original impetus for WIPP. The fires caused airborne releases of plutonium that posed risks to public health and the environment, and so, to allay public concerns and to keep Rocky Flats operating to produce the plutonium cores of nuclear weapons, the Atomic Energy Commission (AEC) agreed to move wastes to the Idaho National Lab near Idaho Falls. Idaho agreed to accept the wastes based on a promise that they would only be stored temporarily, and that by 1980 the federal government would find a permanent disposal site. The AEC's assurances were based on the premise that a salt mine near Lyons, Kansas, would be the permanent repository and that it could begin receiving wastes by 1975. But by 1972, the AEC had abandoned that site because of technical problems with the site (including unplugged boreholes from oil and gas production) and opposition by some Kansas politicians. While other states rejected AEC overtures, some Carlsbad politicians and business leaders invited the AEC to come, and in 1974, it began field work.



▲ Nuclear waste bound for Carlsbad, N.M., to WIPP during the next 35 years — number of shipments:

Hanford (Wash.)	16,844
INEEL (Idaho)	8,918
LANL (N.M.)	5,376
RFETS (Colo.)	2,485
SRS (S.C.)	2,238
ORNL (Tenn.)	1,527
LLNL (Calif.)	162
NTS (Nev.)	86
Mound (Ohio)	59
ANL-E (Ill.)	28
Total	*37,723*

In late 1979, Congress authorized WIPP as "a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States." The legislation exempted WIPP from licensing by the Nuclear Regulatory Commission and, even though federal law requires that any other repository be licensed and be subject to state veto, it prohibited New Mexico from vetoing the site.

This history illustrates three essential facts: 1) WIPP's primary mission is to support continued nuclear bomb production; 2) The federal government priority is to produce nuclear weapons, not to "solve" the waste problem; 3) New Mexico and its citizens have fewer rights and protections regarding WIPP than any other state with a repository would have.

WIPP

IN SHORT...

SRIC: Southwest Research and Information Center

CCNS: Concerned Citizens for Nuclear Safety

CARD: Citizens for Alternatives to Radioactive Dumping

WIPP: Waste Isolation Pilot Plant

NMED: New Mexico Environment Department

DOE: United States Department of Energy

EPA: United States Environmental Protection Agency

NRC: Nuclear Regulatory Commission

AEC: U.S. Atomic Energy Commission (disbanded in 1974; functions split between the NRC and the Energy Research and Development Administration, later the DOE)

RCRA: Resource Conservation and Recovery Act

CAO: Carlsbad Area Office (of the DOE)

LANL: Los Alamos (N.M.) National Laboratory

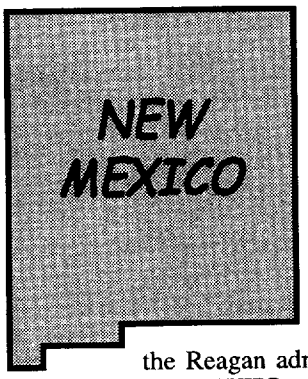
INEEL: Idaho National Engineering and Environmental Laboratory

TRU: transuranic waste (generally consists of clothing, tools, and sludge that has been contaminated with radioactive waste)

TRM: transuranic-mixed waste (contains both radioactive contamination and hazardous constituents defined under RCRA)

TRUPACT-II: Transportation Packaging Transporter Model 2 (special container to hold TRU)

TRANSCOM: Transportation Tracking and Communication System (satellite network between DOE and transport vehicles)



WIPP's course seemed to change when In February 1980, President Jimmy Carter announced that WIPP should be canceled in favor of a nuclear waste program that would find multiple sites in various geologic media. But soon after, in 1981, the Reagan administration reversed the Carter policy. WIPP was rescheduled to open in 1986, and has since had the strong backing of some Carlsbad leaders, Westinghouse (the prime contractor), and New Mexico's Senator Pete Domenici.

WIPP did not open in the late 1980s, however, because of citizen opposition and because the site was not ready, wastes were not ready to be shipped, and Congress had not enacted legislation to set aside, or withdraw, the site for permanent waste disposal.

Abruptly, in October 1991, the Department of Energy (DOE) announced that it would open WIPP in a week. Since Congress had not withdrawn the site for nuclear waste disposal, New Mexico Attorney General Tom Udall filed suit to stop the opening. The State of Texas, Southwest Research and Information Center (SRIC), Concerned Citizens for Nuclear Safety (CCNS), Natural Resources Defense Council, and Environmental Defense Fund intervened in the case. The four citizen groups also filed a separate suit to prevent WIPP from opening until New Mexico issues an operating permit under the Resource Conservation and Recovery Act (RCRA).

The lawsuits brought about District Court Judge John Garrett Penn's preliminary injunction in November 1991 and permanent injunction in January 1992. The D.C. Circuit Court of Appeals upheld the injunction, though it remanded the RCRA issue to the judge for further action.

After five years of debate, Congress passed the WIPP Land Withdrawal Act in October 1992, giving control of the site to DOE and establishing various legal and regulatory requirements for WIPP's opening. The law was weakened by amendments in 1996, largely because of the demands of Idaho's senators and a Colorado congressman, though senators Domenici and Bingaman also supported the amendments.

Rocky Flats & WIPP: What's Ahead?

By LeRoy Moore, Ph.D.

Rocky Flats near Denver received EPA certification on March 24, 1999, to ship its TRU (transuranic) and TRM (transuranic-mixed) waste to WIPP. The first shipment left on June 15. Currently Rocky Flats stores 2,100 cubic meters of TRU and TRM waste (about 10,000 55-gallon drums). An estimated additional 13,000 cubic meters of this waste or 60,000 more drums will be generated in cleanup. As of May 13, 310 drums of TRU waste had been fully certified for transport to WIPP.

Much of the WIPP-bound waste from Rocky Flats consists of residues — waste with plutonium content so high that in bomb-making days the material was saved so the plutonium could be extracted for use. WIPP's "Safeguard Termination Limits" specify that plutonium not exceed 10 percent of the weight of the drum's contents. For shipment, the maximum weight of plutonium per drum is 200 grams. Residues from Rocky Flats will contribute several tons of plutonium to the total buried at WIPP.

DOE says WIPP is essential for cleanup of Rocky Flats. But WIPP's only relation to the cleanup activities of site-remediation and isolation of dangerous materials is to receive the waste. DOE's disregard of appeals that it provide on-site storage for this waste means the site is now running out of storage space, a problem management hopes WIPP can help solve. Of the 38,000 truckloads of nuclear waste DOE plans to send to WIPP over 35 years, 28,000 will travel through Colorado — about 800 per year or, two to three per day. Less than 2,000 of these will originate at Rocky Flats; the rest will come from Washington and Idaho. An accident resulting in a breach of the transport container could contaminate an urban or rural area.

The best plan for the Rocky Flats waste intended for WIPP is to store it on site in a facility that isolates it from the environment so it can be monitored and retrieved. DOE has never considered this option, though it did admit in its 1980 and 1997 WIPP Environmental Impact Statements that it is safer to leave waste at current locations for the next 100 years than to ship it to WIPP.

From the Rocky Mountain Peace and Justice Center, P.O. Box 1156, Boulder, CO 80306; (303) 444-6981. RMPJC has been a successful agent for nonviolent social change since 1983.

Idaho's Cleanup Problems Are Not WIPPed

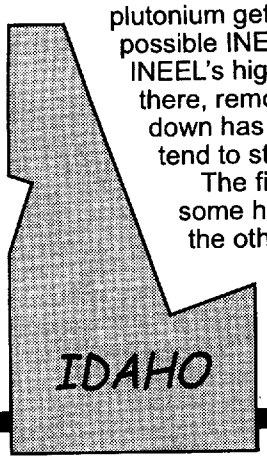
By Beatrice Brailsford

Early on the morning of April 27, the first 42 barrels of newly labeled "non-mixed" waste left the Idaho National Engineering and Environmental Laboratory for the Waste Isolation Pilot Plant in Carlsbad, New Mexico. Like all the waste that might ever go to WIPP, the first barrels were among INEEL's most safely stored. To avoid any last ditch effort to block it, the shipment pulled out before courtrooms were open. So there was some media frenzy, but the political ballyhoo wasn't what it could have been later in the day.

Media frenzy, political ballyhoo. That's what Idaho gets out of INEEL's shipments to WIPP. It's what we don't get that's the problem. The Snake River Aquifer is the second largest on the North American continent and is a part of the headwaters of the Columbia River system, a vast artery for the entire Northwest. It is the drinking water for a substantial percentage of Idaho's people, and we use it to grow our Famous Potatoes — a third of the U.S. fall harvest. The Snake River Aquifer is our lifeblood. Unfortunately, INEEL was built on the upstream end of the Snake River Aquifer, and nuclear contamination is spread across the massive site.

Among the most pressing threats: about 2 million cubic feet of plutonium-laced waste is buried there. Hazardous chemicals from the burial grounds have already reached the aquifer, and it's just a matter of time before the plutonium gets there, for it's moving much farther and faster than we were led to expect. But it's quite possible INEEL will never dig up the buried plutonium. Heavy contamination has also come from leaks at INEEL's high level waste tank farm, and the soil column there is a direct path to our groundwater. Once it's there, removing it presents technical challenges we may never overcome. Opening WIPP or shutting it down has absolutely no effect on these perils to our water, though media frenzy and political ballyhoo tend to strip resources from the real job at hand.

The first job every morning is to protect our lifeblood. Though the first shipment to WIPP has left and some have gotten their political fix, many people in Idaho aren't convinced that it matters one way or the other. Others of us are certain that the time, money, and attention squandered on WIPP actually diminish INEEL's ability to reverse the damage it has done to our land and water. We'll be working to refocus efforts on protecting one of this nation's most valuable and vulnerable resources: the water of the West.



Snake River Alliance, (208) 234-4782; fax (208) 232-4922.

What allowed WIPP to open was a new decision on March 22, 1999 by Judge Penn that allowed DOE to ship 17 truckloads of wastes from Los Alamos National Laboratory to WIPP based on his finding that those wastes were purely radioactive — entitling DOE to ship them to WIPP even though the State of New Mexico had not issued a RCRA permit. DOE claims that other wastes that it wants to ship to WIPP before the state permit is issued are also purely radioactive.

The Nuclear Waste Problem

During the past 55 years, the federal government has built more than 80,000 nuclear bombs, resulting in millions of cubic meters of wastes. The wastes come from mining, milling, and processing uranium; from producing highly enriched uranium, plutonium, and tritium; from manufacturing the bombs; from dumping wastes into the soil and ground water; and from decontaminating buildings.

This legacy of massive amounts of highly toxic wastes includes thousands of buildings across the country, with the largest amounts of waste being at major production sites — Fernald, Ohio; Savannah River, South Carolina; Oak Ridge, Tennessee; Rocky Flats, Colorado; Idaho Falls, Idaho; Hanford, Washington; two national laboratories — Lawrence Livermore in California and Los Alamos in New Mexico — and the test site in Nevada. Leaving aside the largest volume of waste which is from mining and milling uranium, so-called low-level, high-level, and transuranic (plutonium-contaminated) wastes are estimated to amount to about 4 million cubic meters, with radioactivity of about 1 billion curies. (For com-

▲ Flood conditions in 1969 disrupt the infamous Pit 9 in Idaho, demonstrating the disastrous effects of "irresponsible" waste disposal practices of the past. Critics say the possibility of contamination like this is not addressed by the WIPP proposal. *Photo courtesy of Snake River Alliance.*

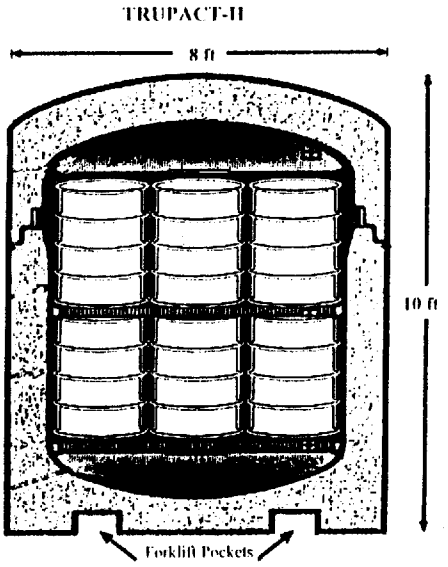
Transportation and containment risks

Now that transuranic waste bound for WIPP will be transported past our homes, schools, and grocery stores, the question for many people is not "what if an accident occurs," but "when will it happen?" With 38,000 shipments scheduled over the next 35 years the possibility of an accident increases with each shipment.

Yet fear over an accident is ungrounded and all possible safety measures have been taken, maintains the Department of Energy. The Nuclear Regulatory Commission approved — but according to standards established in the 1960s — the TRUPACT-II containers designed by Westinghouse for transportation of contact-handled transuranic waste. The TRUPACT-II was subjected to a series of physical tests, such as dropping the container from 30 feet onto a concrete block, submitting it to jet fuel burning at 1,475°F for 30 minutes, and dropping it onto a steel spike to test puncture resistance.

The containers, however, did not receive testing to the point of failure, leaving questions about what circumstances could cause the significant release of radioactivity. And no container has been approved for remote-handled waste, which make up about 20 percent of the shipments to WIPP.

Colorado All-State Transportation is currently responsible for the shipments under several one-year sub-contracts. The trucks used for the transportation of waste to WIPP are modified flatbed trailers attached to conventional diesel tractors, each able to haul three TRUPACT-II containers. Each truck must pass a state inspection and receive a special decal before going to WIPP. Transportation Tracking and Communications Systems (TRANSCOM) will monitor the trucks from a 24-hour control center using satellites and computer networks. The computer database contains scheduling, routing, shipment content, and emergency response information, while two satellites allow federal, state, and tribal officials to communicate with one another and the driver through an operator in Oak Ridge, Tennessee.



The truck drivers of WIPP-bound transuranic waste must comply with all Department of Transportation requirements. Drivers must pass substance abuse tests, be trained every year for a variety of situations (from severe weather to sabotage), know how to use radiation detection instruments, have at least 100,000 miles of road experience, and are fired if convicted of a moving violation. Every two hours or 100 miles (whichever comes first), the driver must complete a quick inspection of the cargo. Highways in 22 states will carry shipments of transuranic waste to WIPP. In accordance with DOT regulations for radioactive wastes (in part 397, Subpart D of the U.S. Code of Federal Regulations), shipping routes will follow the most direct interstate highways, using bypasses and beltways around highly populated areas. These regulations also give state and tribal officials the authority to designate alternate routes within their borders.

With all of these safety assurances from the DOE, the DOT, and the NRC, what is the downside of transporting transuranic waste to WIPP? One Albuquerque resident observed an unescorted WIPP-bound truck travelling at 85 mph on highway 285 near Clines Corners. Is the DOE's assertion realistic, that no radioactivity will be released from the 38,000 shipments scheduled over the next 35 years, even though DOE calculations estimate 8 deaths and 39 injuries in that time span?

Two out of four TRUPACT-II containers failed tests during the certification process. One accident alone could have devastating effects upon surrounding communities and ecosystems, especially as WIPP begins to receive remote-handled waste. Even though the DOE Albuquerque Field Office is in charge of any incident involving a WIPP shipment (regardless of its location or a request from state officials), if an accident did occur the initial response would come from local emergency responders. This shifts much of the burden of responsibility for cleanup upon state officials and taxpayers. WB

— Max Schön

parison, over the past 40 years, the nuclear power industry has created about 1.8 million cubic meters of low-level wastes and irradiated [spent] fuel with radioactivity of more than 10 billion curies. Huge volumes of waste were also created by uranium mining and processing and vast additional amounts will come from future decontamination of power plants.)

Safe storage is required for those legacy wastes — and those generated from future nuclear weapons production as well as dismantling weapons and possible future disarmament. And storage has been an historic problem at nuclear weapons facilities, because all the major sites have significant contamination.

The Two-Percent Solution

Ten years ago, taxpayers paid for buttons and flyswatters that proclaimed: "WIPP: The Solution to Nuclear Pollution." Last year, DOE called WIPP the "cornerstone" of efforts to clean up the weapons complex. And recently, the University of New Mexico produced a videotape for DOE in which WIPP is called the "keystone to closure at Rocky Flats."

The reality is very different from DOE's taxpayer-funded public relations campaign to present WIPP as the answer to the nation's nuclear pollution dilemma. WIPP's legislated capacity limit is 6.2 million cubic

WIPP

feet (175,600 cubic meters) of transuranic (TRU) waste. Of that, about 2.3 million cubic feet is currently stored at DOE sites, mostly in monitored conditions in facilities that meet regulatory requirements. But that is only about one-third of the TRU waste generated from nuclear weapons production, because the rest was dumped into near-surface trenches. Such buried wastes have contaminated soil and threaten ground water, but they are not coming to WIPP or any other repository.

Even though WIPP's capacity is not sufficient to handle all the existing TRU waste, DOE wants to keep WIPP open for 35 years to receive wastes from future weapons production and cleanup activities. But even filling WIPP to capacity would "dispose" of *less than two percent of the existing nuclear weapons wastes*. (And that's less than one half of one percent of the radioactivity in existing weapons wastes.) So at best, WIPP would be the "less than two-percent solution" to the existing waste problem.

Why The WIPP Site Is Dangerous

The WIPP site is in one of the nation's most active areas of oil and natural gas production. And virtually all of the nation's potash (used for fertilizer) is mined within 20 miles of the site. Significant oil, gas, and potash resources are within the site's boundaries, so it is certain that the site will inevitably be breached by future exploration and production which will cause large releases of radioactivity. That actuality violates one of the principal requirements for safe geologic disposal — that natural conditions (such as earthquakes and volcanos) and human activities (such as mining and drilling) must not pose a significant threat to the site's integrity.

Avoiding such conditions was a primary siting criterion, and when the site was chosen it was miles from oil and gas production areas and was outside the known potash district. But by the late 1970s, the potash district was expanded to include the site, and oil and gas resources were identified. Worsening the problem is that the waste rooms, which are 2,150 feet below the surface, are underlain by brine reservoirs which could flood the repository when future drilling occurs, helping to release additional amounts of radioactivity.

Injecting brine to increase oil production or to dispose of excess brine outside the site boundary could also cause massive releases of radioactivity, because large amounts of brine can travel horizontally through interbeds that are within a few feet of the roof and floor of the waste rooms. And if waste is released from human activities or failures of seals to plug the four shafts or numerous boreholes, waste could move upwards hundreds of feet to the aquifer through which waste could travel rapidly to the Pecos River. (That hazard has caused the State of Texas to join in lawsuits against WIPP.)

Those site problems should have prompted the Environmental Protection Agency (EPA) to refuse to certify the site. But EPA relied on DOE's and Sandia Labs' analyses that such events were highly improbable or would not result in large releases. That EPA certification has been challenged by the State of New Mexico, SRIC, CCNS, and Citizens for Alternatives to Radioactive Dumping (CARD), though just before the court was to hear oral argument on May 6, the State abruptly withdrew from the case. The court's decision could come during the summer of 1999.

Why Transporting Waste To WIPP Is Dangerous

About 38,000 truckloads of waste will come to WIPP over a 35-year operational life, according to DOE. Those shipments will cause more than 8 deaths and 39 injuries, DOE estimates, assuming that no radioactivity would be released by accidents.

Such assumptions are highly unrealistic, given that

Native American Tribes Affected by the WIPP Transportation Route:

- Confederated Tribes of the Umatilla Indian Reservation (Wash.)
- Northwestern Shoshoni (Idaho)
- Shoshone-Bannock Tribes of the Fort Hall Reservation (Idaho)
- Paiute (Nev.)
- Western Shoshone (Nev.)
- Navajo Nation (Utah, Ariz., N.M.)
- Acoma (N.M.)
- Cochiti (N.M.)
- Isleta (N.M.)
- Jicarilla Apache (N.M.)
- Laguna (N.M.)
- Mescalero (N.M.)
- Pojoaque (N.M.)
- Sandia (N.M.)
- San Felipe (N.M.)
- San Ildefonso (N.M.)
- Santa Clara (N.M.)
- Santo Domingo (N.M.)
- Tesuque (N.M.)

Reversal sabotages lawsuit challenging EPA

A federal court in Washington, D.C., was scheduled to hear oral arguments May 6, 1999, in a lawsuit challenging the certification of the Waste Isolation Pilot Plant by the Environmental Protection Agency (EPA). The suit was filed by former Attorney General Tom Udall along with Concerned Citizens for Nuclear Safety (CCNS), Southwest Research and Information Center (SRIC) and Citizens against Radioactive Dumping (CARD).

Three working days before the case was to be heard, recently elected New Mexico Attorney General Patricia Madrid announced her office's withdrawal from the lawsuit. The panel of judges scheduled to hear the oral arguments pertaining to the case subsequently canceled the hearing.

Eric Glitzenstein, the attorney representing SRIC and CCNS in the EPA case, told Madrid in a letter that her pulling out of the EPA lawsuit "could not have been more devastating to the ability of all of the practitioners to present their concerns regarding the legality and public health consequences of EPA's decision." Glitzenstein also criticized Madrid for representing to the court and the other parties in a recent brief that the attorney general would continue with the litigation, but then waited until three days before the oral argument to "totally reverse course and hence sabotage the entire case."

Don Hancock, WIPP project director for SRIC, said Madrid's action and the court's subsequent decision not to hear oral arguments hurt New Mexicans because it left the State of New Mexico without representation and took away "the ability of the citizens of this state to proceed with this case."

— Concerned Citizens for Nuclear Safety

two of four TRUPACT-II shipping containers failed tests during the certification process. And no container has been approved for the more highly radioactive, remote-handled waste, which makes up about 20 percent of the shipments. Moreover, none of the shipping containers are being tested to failure to determine in what circumstances significant releases could occur.

Safer transportation is possible. DOE concedes that trains are safer. Or shipments by truck that are escorted by trained emergency responders would be safer, as was done for the initial shipments from Los Alamos National Labs. But DOE refuses to adopt such measures, beyond paying to upgrade some highways and train some local emergency responders and hospital personnel as required by WIPP laws.

What Will The New Mexico Environment Department Do?

DOE long promised that it would not open WIPP without a RCRA permit from the State of New Mexico, and it filed and revised its permit application several times between May 26, 1995, and November 20, 1997. NMED eventually issued a draft permit on May 15, 1998. After receiving public comment, NMED issued a revised draft permit six months later on November 13, 1998. Public hearings on the revised draft permit were held from February 22 to March 26, 1999, and additional steps in the permitting process will continue for several months: the parties will file their proposed findings of fact and conclusions of law; the hearing officer will issue his decision, which the parties will comment on; the NMED Secretary will then make his decision, which can be subsequently appealed to the State Court of Appeals.

If issued, the permit will establish many requirements for WIPP's operation, in particular, requirements for waste characterization — what types of wastes are prohibited from WIPP and what procedures are necessary to ensure that prohibited wastes are not shipped to WIPP — and how wastes are handled at WIPP, including what underground rooms can be used. Thus, the permit could change or add procedures to those DOE is currently using or is planning to use.

But even before the permit is issued, NMED has significant authority over WIPP. On March 25, the department sent a letter to DOE Secretary Bill Richardson urging him not to ship any Idaho or Colorado wastes to WIPP before a permit is issued. Alternatively, NMED asked for detailed information about the wastes that DOE intends to ship.

DOE maneuvering gets the first shipment out of Idaho. When DOE repeatedly refused to provide any detailed information about the first shipment from Idaho, NMED issued a compliance order requiring that all the information be provided within 24 hours. DOE's response was to submit some of the information — and then ship the first truckload from Idaho before NMED had time to review the documents and make its own determination as to whether the wastes were purely radioactive. DOE has also not provided detailed information about the Rocky Flats wastes, even though its proposed schedule includes dozens of shipments from that Colorado site.

NMED could prevent future shipments from Idaho and Colorado, penalize DOE for wastes already at WIPP, place conditions on WIPP's operations under "interim status" regulations, or deny the permit. But the agency is under great pressure from DOE to allow WIPP to operate until it issues a permit and to grant a permit that contains few restrictions. In addition, New Mexico Governor Gary Johnson has expressed his support for WIPP and may restrict NMED's actions.

Continuing Public Opposition

DOE hurried the first shipment in order to limit the time for legal challenges and for citizens to organize protests — not honoring its commitments to notify the state in writing 14 days in advance and to ship through Santa Fe only from 1 a.m. to 5 a.m. Dozens of citizens did protest the first shipment, despite DOE's maneuvering. The protests in New Mexico continue and are planned by citizens in other states as well.

Citizens groups, including SRIC, CCNS, and CARD, are actively involved in the RCRA permitting process and the lawsuit against EPA's certification. Additional legal actions are likely, along with citizen education and protests.

Unfortunately, it also seems likely that because DOE has invested about $3 billion in WIPP over the past 25 years and because of political support for WIPP in some other states, any successful opposi-

WIPP Milestones

1972: Atomic Energy Commission (AEC) announces $25 million pilot facility for commercial spent fuel will be located in salt beds of southeastern New Mexico.
1975: Original site east of Carlsbad is abandoned, new site is chosen.
1977: Sandia Labs completes a Draft Environmental Impact Statement (EIS) describing the Waste Isolation Pilot Plant (WIPP).
1978: EIS document released to the public after SRIC files Freedom of Information Act request. Public hearings held in New Mexico to discuss WIPP's purpose.
1979: DOE issues draft environmental impact statement (EIS). Hundreds of people testify against WIPP at public hearings. Congressional hearings held in Carlsbad and Albuquerque. Congress authorizes WIPP as a research and development facility.
1980: President Jimmy Carter calls for WIPP to be canceled. Congress refuses to cancel WIPP.
1981: DOE announces WIPP will open in 1986 and all existing TRU waste stored in Idaho will be moved to WIPP by 1990. Lawsuits filed by Citizens for Alternatives to Radioactive Dumping (CARD), N.M. Attorney General Jeff Bingaman, and SRIC. First shaft drilled at WIPP. Drillers strike a large brine reservoir at WIPP-12, one mile north of the center of the site.
1987: Land Withdrawal bills introduced in Congress.
1988: DOE reschedules WIPP's opening for 1989.
1989: DOE issues plan for a "test phase." DOE Secretary Watkins

For More Information ...

ALLIANCE FOR NUCLEAR ACCOUNTABILITY
Members

Citizen Alert
P.O. Box 17173, Las Vegas, NV 89114
(702) 796-5662; fax: (702) 796-4886
http://www.igc.org/citizenalert

Citizens for Alternatives to Radioactive Dumping *(CARD)*
144 Harvard Dr. SE, Albuquerque, NM 87106
(505) 266-2663
http://www.unm.edu/~rekp

Concerned Citizens for Nuclear Safety *(CCNS)*
107 Cienega St., Santa Fe, NM 87501
(505) 986-1973; fax: (505) 986-0997
http://www.nets.com/ccns

Government Accountability Project
1402 3rd Ave., #1215, Seattle, WA 98101
(206) 292-2850; fax: (206) 292-0610
http://www.whistleblower.org

Hanford Education Action League
1408 W. Broadway Spokane, WA 99201
(509) 326-3370; fax: (509) 326-2932
http://www.iea.com/~heal/

Institute for Energy and Environmental Research
6935 Laurel Ave., Takoma Park, MD 20912
(301) 270-5500; fax: (301) 270-3029
http://www.ieer.org

Los Alamos Study Group
212 E. Marcy St., Santa Fe, NM 87501
(505) 982-7747; fax: (505) 982-8502
http://www.lasg.org

National Environmental Coalition of Native Americans
2213 W. 8th St., Prague, OK 74864
(405) 567-4297; fax: (405) 567-4297
http://oraibi.alphacdc.com/necona

Nuclear Control Institute
1000 Connecticut Ave. NW, Suite 804
Washington, DC 20036
(202) 822-8444; fax: (202) 452-0892
e-mail: nci@mailback.com

Peace Action Education Fund
1819 H Street NW, #420,
Washington, DC 20006
(202) 862-9740; fax: (202) 862-9762
http://www.webcom.com/peaceact/

Rocky Mountain Peace and Justice Center
P.O. Box 1156, Boulder, CO 80306
(303) 444-6981; fax: (303) 444-6523
http://bakmes.colorado.edu/~fast/bmc/peacec.html

Physicians for Social Responsibility
1101 14th Street, NW, #700
Washington, DC 20005
(202) 898-0150; fax: (202) 898-0172
http://www.psr.org

Snake River Alliance
P.O. Box 173,1 Boise, ID 83701
(208) 234-4782; fax: (208) 232-4922
e-mail: sra@snakeriveralliance.org

Southwest Research and Information Center
P.O. Box 4524, Albuquerque, NM 87196
(505) 346-1455; fax: (505) 346-1459
http://www.sric.org

Tri-Valley CAREs: Citizens Against a Radioactive Environment
2582 Old First St., Livermore, CA 94550
(925) 443-7148; fax: (925) 443-0177
http://www.igc.org/tvc/

OTHER RESOURCES

Center for Defense Information
http://www.cdi.org/adm/WIPP/index.htm

A new **WasteLink** Internet site directory has been launched listing grassroots, government, and related Web sites, with emphasis on radioactive waste, nuclear power, and environmental issues.
http://www.radwaste.org/

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tion efforts will prompt further attempts to take away rights to sue or further limit regulatory authority.

Has Resistance To WIPP Accomplished Much?

For 25 years WIPP has been a source of controversy and dread. Because the site is unsafe and transportation is dangerous, citizen opposition delayed WIPP's opening for more than a decade. It also brought about some safety requirements and helped to limit WIPP's mission.

Now WIPP has opened, despite DOE's promises that it would not open without the state permit and that DOE would comply with agreements to give New Mexico and other states eight weeks' general notice through its computer system, TRANSCOM, of shipments.

The legal and regulatory requirements that were supposed to ensure that WIPP not open until all safety requirements were met have proven inadequate. Citizen opposition will continue. So will the risks posed for thousands of future generations at numerous DOE sites, and now at WIPP. WB

Don Hancock is Director of the Nuclear Waste Safety Program at Southwest Research and Information Center (SRIC), which is based in Albuquerque, N.M.

announces that WIPP will not open in 1989.
1991: DOE announces that WIPP will open in a week to begin the Test Phase. NM Attorney General Tom Udall files suit, along with SRIC and other environmental groups and members of Congress. Preliminary injunction prevents WIPP's opening.
1992: Permanent injunction issued, and DOE appeals. Decision upheld by the DC Circuit Court of Appeals. Congress passes WIPP Land Withdrawal Act.
1993: DOE cancels Test Phase.
1996: WIPP Act is amended and weakened; it includes a "sense of Congress" that WIPP should open by November 1997, if health and safety requirements are met. WIPP opponents across the nation testify at public hearings.
1998: EPA certifies WIPP and DOE Secretary Peña announces first waste shipment will go to WIPP by June 19. New Mexico Attorney General Udall, SRIC, CCNS and CARD file suits to strike down the EPA certification.
February–March, 1999: Public hearings held in New Mexico
March 22, 1999: Federal court judge refuses to stop the first shipments to WIPP.
March 26, 1999: First truckload of waste shipped to WIPP from Los Alamos National Laboratory.
April 28, 1999: First truckload of waste arrives at WIPP from Idaho.
June 16, 1999: First truckload of waste arrives at WIPP from Rocky Flats in Colorado.

The story continues ...
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