



October 3, 2002

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**Regarding: Update of the Waste Analysis Plan and Associated Documents with Emphasis on Data Management Requirements**

Dear Mr. Zappe,

**Nuclear Watch of New Mexico** (NWNM) was pleased when we found out that the New Mexico Environment Department (NMED) had decided to change the classification of this permit modification request (PMR) from the clearly incorrect Class 2 to a Class 3. However, NWNM believes, as it did while this PMR was still a Class 2, that the Data Management PMR should be denied.

As you know, the New Mexico Hazardous Waste Act (20 NMAC 4.1.900, incorporating 40 CFR 270.42(c)(6)), provides that NMED may deny a Class 3 modification.

NWNM is strongly opposed to this modification as it is a threat to human health and the environment, and it is technically incomplete.

The following reasons will support our request to deny.

There are an extraordinary number of issues at stake in this PMR, however the permittees have taken the approach that less is more. None of the items within this PMR are dealt with sufficiently to convince us that this is a safe modification. We will go through these items individually.

**1. Add the option for electronic data review, validation, and verification**

Efficiency, once again, is the permittees key reason for why they are looking to make this change. As NWNM has stated a number of times, while the permittees may consider efficiency to be enough for a PMR, we know that it is not. Furthermore, even if efficiency were a defining factor, the permittees do not address how this PMR creates greater efficiency.

NWNM is very concerned over the increased responsibilities of the Independent Technical Reviewer. By removing the Technical Supervisor, Quality Assurance (QA) Officer, Site Project QA Officer and Site Project Manager (SPM) in their duties to review, verify and validate, the permittees are putting all their eggs in one basket. As the permit currently stands there are a series of "double-checks" that potentially prevent errors. To rely almost solely on their electronic method the permittees are playing a dangerous game.

Also, there is no mention on how the permittees plan to prevent electronic attacks on their new elec-

tronic method. “Hacking” continues to become a greater threat throughout the DOE complex and a recent DOE IG report stated that while DOE has made some strides toward better “cyber-security” they are still extremely poor. If a person were able to break into the WIPP system they could possibly bring shipments to a complete halt as well as endanger human health and the environment. In fact, in a conversation with a coder that was involved with the design of this system, he mentioned that there had been one person who had been able to hack into the system while they were testing its security. This is unacceptable, and the fact that the PMR does not address this issue in any way suggests that the permittees have not considered this in the least.

This item does not deal with health and the environment in any way. With the lack of double-checks and the possibility of hacking it could create a very dangerous impact on human health and the environment. None of this is addressed in this PMR.

## **2. Revise reviewer responsibilities**

This item further emphasizes our concerns of overburdening the Independent Technical Reviewer. By increasing the responsibilities of the Independent Technical Reviewer through the additions from the electronic data review and now the responsibilities of the Site Project QA Officer, the Independent Technical Reviewer’s responsibilities are far too great. In fact, NWNM is concerned that with these new responsibilities the “independence” of the Independent Technical Reviewer will be at stake. This is clearly unacceptable.

By overburdening the Independent Technical Reviewer there is an increased opportunity of endangering human health and the environment, and hence is inappropriate in a PMR.

## **3. Eliminate the Waste Stream Characterization Package**

This is yet another example of the fact that efficiency, while the permittees believe is a legitimate rationale for a PMR, is not good enough as an explanation. There is simply no good reason why the permittees need to eliminate the waste stream characterization package. Without this explanation this is incomplete and should not be approved.

## **4. Eliminate quarterly repeat of data review, validation, and verification**

The argument against this item is very similar to item 3. There is little to no justification as to why the permittees require this change. “Wants” do not justify a change in the WIPP Permit, and the permittees have given no reason as to why they need this change. It is incomplete because of this reason and therefore should be denied.

## **5. Clarify data management inconsistencies**

This item opens the opportunity for errors, much like item 1 does. By removing the currently required double/triple/quadruple-checks of data management there is room for error. In fact, NWNM has to question why the permittees wish to change this as the text in their own permit modification request shows that they are finding inconsistencies in their data management through this method! Why would the permittees remove something that would allow them to manage quality in a greater capacity? Considering that text does not sufficiently explain the permittees justification it is incomplete. In addition to this, this change would allow more room for error and hence be a danger to human health and the environment. This must not be approved.

## **6. Reorganize data management portions of Attachment B and Attachment B3**

The permittees claim that the need for this change is because the WIPP Permit is confusing to them. While we have seen that the permittees find their permit difficult to abide by, and hence possibly confusing to them, their claim that portions of the permit are redundant is not enough of a reason to change the permit in such a massive way. This item is incomplete, as they have no real explanation as to why these changes need to be made. Again, it is want versus need. The way the permit currently stands, it forces WIPP to check their data. The permittees may not want to check their data, but they need to. These changes in this item must not be approved.

## **7. Add the option for use of barcodes in lieu of sample tags or labels**

It goes beyond comprehension why the permittees would rather have stripes as opposed to actual text to show what drums contain. How is it that a worker would know immediately what a drum contains if all they have is a barcode? While the idea of barcodes is potentially a good change, it is not a good change to use barcodes in lieu of labels or sample tags. If sample tags or labels were to remain, then the addition of the barcodes would be acceptable. However, all workers should also be required to double-check the barcode with the sample tag or the label. This item is also incomplete as there is no information as to what process would be used to prevent errors in the barcodes, nor how the workers would identify what the barcodes mean. This item also endangers human health and the environment, for if a worker is unable to identify what is contained in a drum then there is a danger to their health and to the environment. This item must be denied.

## **8. Add the option for use of electronic rather than hard copies of records**

The permittees have given poor reasons as to why this is required. To hold an archive of information on hard copy is more than appropriate. The permittees claim that through the exclusive use of electronic records they will not be required to manage as much paper, we feel that this is not a reason to remove hard copy. Falling back on the argument mentioned under item 1, NWNM is concerned about the security of DOE's computers and the possibility of having their electronic records removed intentionally or accidentally is something that can be avoided by continuing to maintain hard copy. This is again an incomplete and potentially harmful item.

## **9. Associated changes, such as referencing information rather than repeating it**

This item concerns us greatly. The permittees are notorious for their inability to proofread and edit their own documents. In fact the permittees prove our very point in one of the PMRs that they have submitted. In the first PMR, the permittees' Item 5 is entitled: "Use of Radiography *fro* Newly Generated Waste." We believe that the permittees actually meant to write "for" as opposed to the slang term used for a circa 1970's hairstyle called the Afro. While this typo is amusing, there are other cases in which the permittees have made typos and suggested changes to the permit that are potentially dangerous and simply wrong. The permittees' suggested changes should not be approved as their past has shown that they are incapable of performing the task that they are required to. Additionally, this item is not sufficiently justified in the PMR to explain why it is required. No reasonable explanation means that it is incomplete.

In conclusion, **Nuclear Watch of New Mexico** requests that the New Mexico Environment Department deny this permit modification request outright. As these items are not individual modification unto

themselves NMED is not required to deny each individually. However, if NMED decides to approve this PMR then we request that public hearings take place.

This PMR is quite possibly the worst of the bunch that the permittees have submitted for this review period. The danger to health and the environment and the lack of supporting data/justification throughout this document is simply atrocious. In many ways we felt as though we had become a broken record by stating time and time again that one item after another was incomplete. The permittees have stated in the past that they will work to make the permit modification process better, but they have actually done the exact opposite. Never before have the permittees submitted such an extensive and poorly written number of permit modifications and NWNM can only speculate as to why. These modification requests constitute a serious attempt by the permittees to change the mission of WIPP and put the dollar ahead of human health and the environment. Furthermore, with WIPP becoming a contender in the review for the next pit production facility, we can only assume that they are attempting to pre-emptively ready the site for this extraordinarily dangerous addition. WIPP is endangering New Mexico enough as it is without doing potentially more harm with these modifications. Please deny this modification.

Thank you for your careful consideration of these comments.

Sincerely,

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