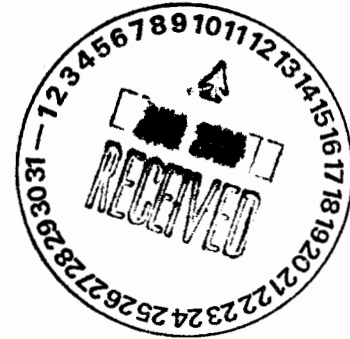


Bob



Department of Energy
Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221
August 10, 2000



Peter Maggiore, Secretary
New Mexico Environment Department
190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Mr. Maggiore,

This is to confirm our understanding that on August 9, 2000, pursuant to 20 NMAC .4.1 900, incorporating 40 C.F.R. § 270.41, you modified the final hazardous waste permit for the Waste Isolation Pilot Plant issued on October 27, 1999, by withdrawing Permit Modules II.N, II.O, II.P and II.Q. This is to further confirm that the effective date of this permit modification is August 9, 2000.

In reviewing the permit, we have identified four provisions (copies of which are enclosed) that cross-reference the now-withdrawn Permit Modules. We request that these references be stricken to ensure consistency with your August 9, 2000 letter. In addition, we request that all of Attachment K be stricken, as that Attachment concerns Permit Modules II.N through II.Q, which have been withdrawn. For ease of reference, we have enclosed copies of the affected provisions and bracketed the text that should be stricken.

Once the above changes have been made, we request that you send us both a clean copy and a redline/strikeout version of the permit pages that have been modified. Once we receive these materials, we will place them and your August 9, 2000 letter in the front of the permit to provide a historical record of the modification.

Sincerely,

Dr. Ines R. Triay
Manager

CAO:OOM:IRT:KJB 00-0445 UFC 5486



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AFFECTED PERMIT ATTACHMENTS

Module I.I
Items 8 and 10

Module II
Permit Attachments

Module VI.D.4

Attachment K
Attachment deleted

Waste Isolation Pilot Plant
Hazardous Waste Permit
October 27, 1999

Hazardous Waste Permits Program Manager
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502-6110

Telephone Number: (505) 827-1557
Facsimile Number: (505) 827-1544

I.H. CONFIDENTIAL INFORMATION

The Permittees may claim confidentiality for any information submitted to or requested by the Secretary or required by this Permit, to the extent authorized by Section 74-4-4.3(D) of the HWA and 20 NMAC 4.1.900 (incorporating 40 CFR §270.12).

I.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittees shall maintain at the facility, until closed as specified in Module II, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.13(b)) and this Permit, and records and results of waste analyses performed as specified in 20 NMAC 4.1.500 (incorporating 40 CFR §264.13).
2. Inspection schedules, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.15(b)(2)) and this Permit, and records and results of inspections as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.15(d)).
3. Personnel training documents and records, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.16(d)) and this Permit.
4. Contingency Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.53(a)) and this Permit, including summary reports and details of all incidents that require implementation of the contingency plan as specified in 20 NMAC 4.1.500 (incorporating 40 CFR §264.56(j)).
5. Operating record, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.73) and this Permit.
6. Closure Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.112(a)) and this Permit.
7. Post-Closure Plan as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.118(a)) and this Permit.
8. [Annually-adjusted cost estimate for facility closure and post-closure, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.142(d) and 264.144(d)) and this Permit.]
9. Procedures for limiting air emissions, as required by 20 NMAC 4.1.500 and .900 (incorporating 40 CFR §§264.601(c) and 270.23(a)(2)) and this Permit.

Waste Isolation Pilot Plant
Hazardous Waste Permit
October 27, 1999

Permit Attachment H2 (as modified from WIPP RCRA Part B Permit Application, "Training Course and Qualification/Certification Card Outlines" - Appendix H3).

Permit Attachment I (as modified from WIPP RCRA Part B Permit Application, "Closure Plans, Post-Closure Plans, and Financial Requirements" - Chapter I).

Permit Attachment I1 (as modified from WIPP RCRA Part B Permit Application, "Technical Specifications, Panel Closure System, Waste Isolation Pilot Plant" - Appendix I1).

Permit Attachment I2 (as modified from WIPP RCRA Part B Permit Application, "Shaft Sealing System Compliance Submittal Design Report" - Appendix 2).

Permit Attachment J (as modified from WIPP RCRA Part B Permit Application, "Closure Plans, Post-Closure Plans, and Financial Requirements" - Chapter I).

Permit Attachment J1 (as modified from WIPP RCRA Part B Permit Application, "Active Institutional Controls" - Appendix I4).

Permit Attachment K (as modified from WIPP RCRA Part B Permit Application, "Closure Plans, Post-Closure Plans, and Financial Requirements" - Chapter I).

Permit Attachment O (as modified from WIPP RCRA Part B Permit Application, "Hazardous Waste Permit Application Part A" - Chapter A).

Waste Isolation Pilot Plant
Hazardous Waste Permit
October 27, 1999

shall submit to the Secretary, by registered mail, a certification that the post-closure care for the Underground HWDU was performed in accordance with the specifications in the approved Post-Closure Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.120). The Permittees and an independent New Mexico registered professional engineer shall sign the certification. The Permittees shall provide to the Secretary upon request, [until the Secretary releases WID from the financial assurance requirements for post-closure care,] the documentation supporting the professional engineer's certification, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.145(i) and §264.120).

VI.E. POST-CLOSURE PERMIT MODIFICATIONS

The Permittees shall submit a written notification of or request for a permit modification to amend the approved Post-Closure Plan at any time during the active life of the facility or during the post-closure care period, as required by 20 NMAC 4.1.500, .900, and .901 (incorporating 40 CFR §§264.118(d) and 270). The Permittees shall include a copy of the proposed amended Post-Closure Plan for approval by the Secretary, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.118(d)).

VI.E.1. Changes Requiring a Permit Modification

Changes to the approved Post-Closure Plan which require a permit modification include, but are not limited to, the following circumstances specified in 20 NMAC 4.1.500 (incorporating 40 CFR §264.118(d)(2)):

- VI.E.1.a. Operating plans - whenever changes in operating plans or facility design affect the approved Post-Closure Plan; or
- VI.E.1.b. Timing of closure - whenever there is a change in the expected year of final closure; or
- VI.E.1.c. Other events - whenever other events occur during the active life of the facility, including partial or final closure, that affect the approved Post-Closure Plan.

VI.E.2. Timing of Permit Modification

The Permittees shall submit a written request for a permit modification at least sixty (60) calendar days prior to the proposed change in facility design or operation, or no later than sixty (60) calendar days after an unexpected event has occurred which affects the Post-Closure Plan, as required by 20 NMAC 4.1.500 (incorporating §264.118(d)(3)).

Waste Isolation Pilot Plant
Hazardous Waste Permit
October 27, 1999

ATTACHMENT K
FINANCIAL REQUIREMENTS
TABLE OF CONTENTS

Introduction	K-1
K-1 <u>Closure Cost Estimate</u>	K-1
K-2 <u>Financial Assurance Mechanism for Closure</u>	K-1
K-3 <u>Post-Closure Cost Estimate</u>	K-2
K-4 <u>Financial Assurance Mechanism for Post-Closure</u>	K-2
K-5 <u>Liability Requirement</u>	K-2
K-6 <u>Liability Coverage Mechanism</u>	K-2

Attachment Deleted