



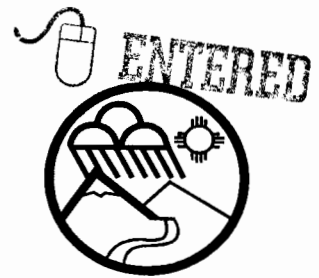
GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
ENVIRONMENT DEPARTMENT

Water and Waste Management Division  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502-6110  
Telephone (505) 827-1758

Fax (505) 827-0310

www.nmenv.state.nm.us



PETER MAGGIORE  
SECRETARY

PAUL R. RITZMA  
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 30, 2001

Dr. Inés Triay, Manager  
Carlsbad Field Office  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221-3090

Mr. John Lee, General Manager  
Westinghouse TRU Solutions, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: ADMINISTRATIVE ACTION, DRUM AGE CRITERIA CLASS 2 MODIFICATION REQUEST  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (NMED) hereby takes administrative action on the above referenced Class 2 permit modification request to the WIPP Hazardous Waste Facility Permit, as submitted to the Hazardous Waste Bureau in the following document:

- Request for Class 2 Permit Modifications, Letter Dated 5/1/01, Rec'd 5/2/01

The Department of Energy Carlsbad Field Office and Westinghouse TRU Solutions LLC (the Permittees) identified two separate modifications in their submittal: Ten-Drum Overpack (TDOP) Volume – Class 2, and Drum Age Criteria (DAC) – Class 2. This letter deals exclusively with the DAC modification, which was processed by NMED in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)).

NMED is not approving DAC Class 2 modification request “with changes” as allowed under 20.4.1.900 (incorporating 40 CFR §270.42(b)(6)(ii)(A)) because the complex nature of these changes necessitate the development of a draft permit. Therefore, NMED is reclassifying this modification request to follow the procedures for Class 3 modifications specified in 20.4.1.900 (incorporating 40 CFR §270.42(b)(6)(ii)(C)). NMED anticipates issuing a draft permit

010840



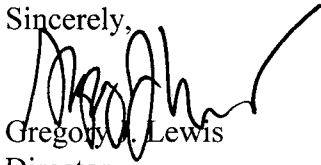
Dr. Inés Triay  
Mr. John Lee  
August 30, 2001  
Page 2

incorporating the DAC modifications for public comment within the next thirty to sixty (30 – 60) days.

This DAC modification request was subject to a sixty (60) day public comment period, which ran from May 8 through July 6, 2001. NMED received written comments on the DAC modification request from ten individuals and organizations during this time. NMED will address these comments in the forthcoming draft permit, and will respond to all comments at the conclusion of the public comment period for the draft permit.

If you have any questions regarding this matter, please contact Steve Zappe of my staff at (505) 428-2517.

Sincerely,



Gregory A. Lewis  
Director

Water and Waste Management Division

GJL/soz

cc: Paul Ritzma, NMED  
James Bearzi, NMED HWB  
John Kieling, NMED HWB  
Steve Zappe, NMED HWB  
Susan McMichael, NMED OGC  
David Neleigh, EPA Region 6  
Connie Walker, TechLaw

