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 06 FEB 2003

 ENTERED



Mr. Steve Zappe, Project Leader (WIPP)
 Hazardous Waste Permits Program
 Hazardous Waste Bureau
 New Mexico Environment Department
 2909 E. Rodeo Dr. Bldg 1
 Santa Fe, New Mexico 87502-6303

Subject: Notification of a Class 1 Permit Modification to the Hazardous Waste Facility Permit, Permit Number: NM4890139088-TSDF

Dear Mr. Zappe:

The purpose of this letter is to submit this notification of a Class 1 modification to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit, Number: NM4890139088-TSDF. The purpose of this modification is to:

- Correct Figure B1-1; and
- Correct Inconsistencies Regarding Headspace Gas Sampling for Thermally Treated Waste.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Dr. Inés R. Triay, CBFO-Manager
 U. S. Department of Energy



S. D. Warren, President
 Washington TRU Solutions LLC

Enclosure

cc: w/enclosure
 C. Walker, Trinity

cc: w/o enclosure
 J. Bearzi, NMED
 J. Kieling, NMED



Class 1 Permit Modification Notifications

Correct Permit Inconsistencies

**Waste Isolation Pilot Plant
Carlsbad, New Mexico**

WIPP HWFP #NM4890139088-TSDF

February 3, 2003

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Acronyms and Abbreviations

CFR	Code of Federal Regulations
DAC	Drum Age Criteria
EEG	Environmental Evaluation Group
HWFP	Hazardous Waste Facility Permit
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
PMN	Permit Modification Notification
TSDf	Treatment, Storage and Disposal Facility
WIPP	Waste Isolation Pilot Plant

Overview of the Permit Modification Notification

This document contains two Class 1 Permit Modification Notifications (**PMN**) to the Hazardous Waste Facility Permit (**HWFP**) at the Waste Isolation Pilot Plant (**WIPP**), Permit Number NM4890139088-TSDF, hereinafter referred to as the WIPP HWFP.

These PMNs are being submitted by the U.S. Department of Energy, Carlsbad Field Office and Washington TRU Solutions LLC, collectively referred to as the Permittees, in accordance with the WIPP HWFP, Condition I.B.1 (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating 40 Code of Federal Regulations (**CFR**) §270.42(a)). The PMNs in this document are required to correct language in Figure B1-1 and to correct inconsistencies between Section B1-1 and B-3a(1)(ii). These changes are administrative and informational and qualify as Class 1 modifications as specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42, Appendix I, A.1). These changes do not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The modifications to the WIPP HWFP and related supporting documents are provided in this PMN. The proposed modification to the text of the WIPP HWFP has been identified using a double underline and revision bar in the right hand margin for added information, and a ~~strikeout~~ font for deleted information. All direct quotations are indicated by italicized text.

Attachment A

Description of the Class 1 Permit Modification Notifications

Table 1. Class 1 Hazardous Waste Facility Permit Modification Notifications

No.	Affected Permit Section	Item	Category	Attachment A Page #
1	Attachment B1, Figure B1-1	Correct language in Figure B1-1	A.1	A-3
2	Attachment B, Section B-3a(1)(ii)	Remove inconsistent language	A.1	A-4

Item 1

Description:

During the comment period for the proposed Drum Age Criteria (**DAC**) permit modification, a comment was submitted to the New Mexico Environment Department (**NMED**) by the Environmental Evaluation Group (**EEG**) indicating that the language in the logic boxes in Figure B1-1 was inconsistent with the language in the text of the proposed modification.

The Permittees accommodated the EEG comment by providing to the NMED a revised Figure B1-1 that corrected inconsistencies between the proposed figure and the text of Attachment B1. (June 27, 2002).

The Proposed Draft Permit dated August 26, 2002, and the final Order issued by the Secretary of the NMED on December 31, 2002, did not include the correction to Figure B1-1. In subsequent discussions with the NMED, it was determined that Figure B1-1 was not corrected due to an inadvertent oversight.

The correction needed is to delete the word "default" and replace it with the word "appropriate" in the box that currently states "Select default packaging configuration for Scenario 3 based on packaging documentation (Table B1-8)"

Basis:

The change suggested by this PMN will correct an error in Figure B1-1 that was discovered by the Permittees during a review of the Final Order granting the DAC permit modification, dated December 31, 2002.

Discussion:

In an effort to facilitate consistency in the final permit issued by the NMED, a change to Figure B1-1 is needed. The revised Figure B1-1 is included in this PMN.

This change is administrative/informational in nature and qualifies as a Class 1 as specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42), Appendix I, A.1.

Revised Permit Text:

- a. 1. Revised Figure B1-1 (includes both a redline strikeout version and a "clean" version to incorporate into the permit).

Item 2

Description:

A Class 2 permit modification request (PMR) was submitted to NMED in April 2000 and subsequently approved by NMED in August 2000. This modification allowed changes to headspace gas sampling for wastes that are thermally treated. The current version of the HWFP has incorporated the approved modification with an inconsistency between Sections B1-1a and B-3a(1)(ii). This notification is to correct this inconsistency.

Basis:

There currently exists an inconsistency between the language in Sections B1-1a and B-3a(1)(ii) of the WIPP HWFP. Not all of the language in the Class 2 PMR submitted in April 2000 was incorporated into Section B-3a(1)(ii). In subsequent discussions with the NMED, it was determined that the omission was unintentional. This Class 1 modification makes Sections B-3a(1)(ii) consistent with Section B1-1a.

Discussion:

The Class 2 PMR submitted in April 2000 requested changes to sampling requirements for thermally treated waste streams. The language incorporated by the NMED into Section B1-1a allows modified sampling for all waste types: S3000 (homogeneous solids); S4000 (soils/gravel); and S5000 (debris). However, the language in Section B-3a(1)(ii) refers only to "*homogenous solid and soil/gravel wastes that have undergone high temperature thermal processes ...*", and does not mention "debris" waste. Thus, the words "homogenous solid and soil/gravel" should be deleted, leaving reference only to "wastes", which would encompass all waste types authorized in Section B1-1a.

This change is administrative/informational in nature and qualifies as a Class 1 as specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42), Appendix I, A.1.

Revised Permit Text:

- a. 1. Section B-3a(1)(ii)
Reduced Sampling Requirements for Thermally Treated Waste Streams

Headspace gas sampling of ~~homogeneous solid and soil/gravel~~ wastes that have undergone high-temperature thermal processes may qualify for reduced headspace sampling if they meet the following criteria:

Attachment B
Revised Permit Figures

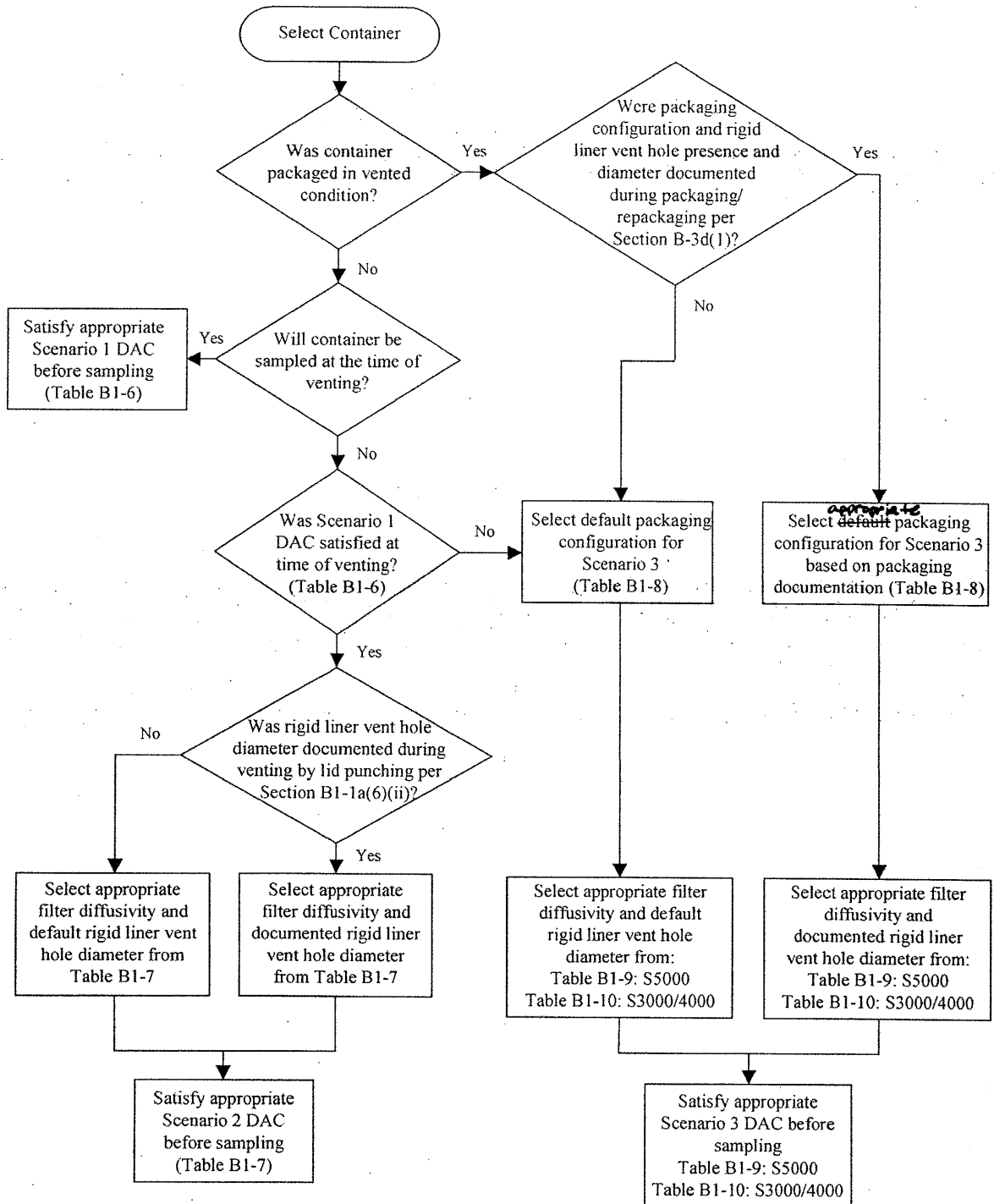


Figure B1-1
 Headspace Gas Drum Age Criteria Sampling Scenario Selection Process

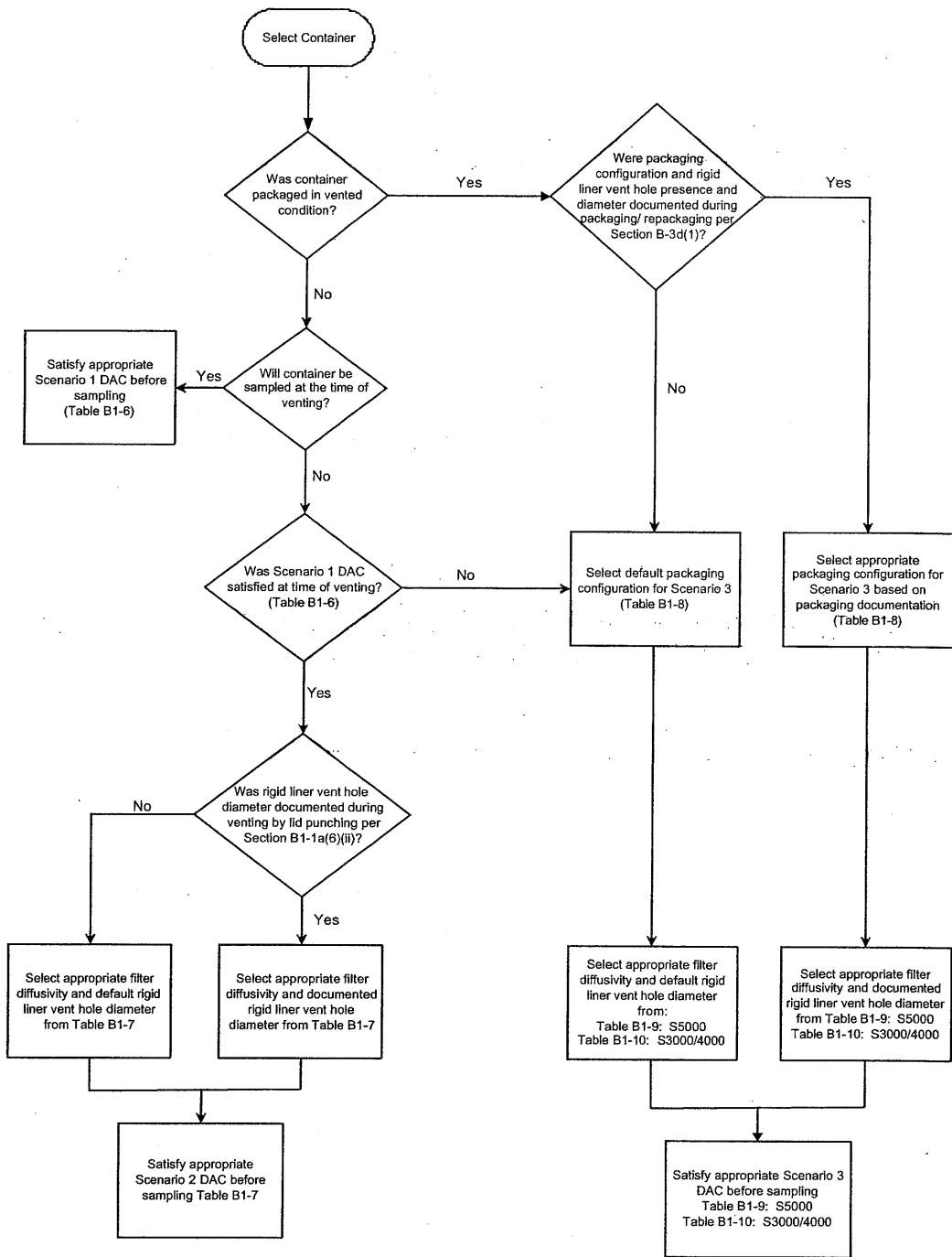


Figure B1-1
 Headspace Gas Drum Age Criteria Sampling Scenario Selection Process