

Subject: Re: Follow-Up on Endorsement of RH TRU Waste Permit Mod

From: Steve Zappe <Steve_Zappe@nmenv.state.nm.us>

Date: Wed, 19 Feb 2003 10:51:31 -0700

To: osbornepl@bechteljacobs.org

CC: John Owsley <John.Owsley@state.tn.us>, ket@esper.com, knoxkopps@msn.com, "Norman A. Mulvenon" <mulvenon@juno.com>



Pete Osborne, ORSSAB Support Office:

(Please provide this response to Mr. David Mosby, Chair of the ORSSAB)

Dear Mr. Mosby:

Thank you for your February 7, 2003 follow-up letter to your endorsement of the RH TRU Waste permit modification request currently under consideration by the New Mexico Environment Department (NMED). You pointed out that you had not yet received a response to your October 10, 2002 comments. I want to use this informal e-mail to provide you with an update on the RH TRU permit modification request to the WIPP hazardous waste facility permit.

Under the regulations governing permit modifications (40 CFR §270.42 and the New Mexico Hazardous Waste Regulations 20.4.1.901 NMAC), NMED issues a response to comments at the time any final permit decision is issued. Because the RH TRU permit modification is being handled under the Class 3 process, we are not obligated to respond to comments until a final permit modification is approved. Currently, NMED is developing a Notice of Deficiency (NOD) that should be issued to the Permittees at WIPP by the end of this month. We will post the NOD on our web site, and if you provide me with an e-mail address I will let you know when it is posted.

In response to your hope that "NMED will accept this permit modification request and allow shipment of RH-TRU waste to the WIPP", it should be apparent that by issuing an NOD we demonstrate that we have concerns with the modification as it was submitted. The NOD will identify specific technical and regulatory deficiencies that must be addressed by the Permittees before NMED can develop a draft permit recommending approval of RH TRU waste at WIPP.

I hope this informal response satisfies your desire to be kept informed on the status of the RH TRU modification request. I met with many of your SSAB members last month in Carlsbad, and I appreciate their frustration in understanding how the regulatory process works and the time it has taken to follow that process to this point. If you have any further questions, please call or write to me. Thanks!

Steve Zappe
NMED WIPP Project Leader

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