Mr. Steve Zappe, WIPP Project Leader
Hazardous Waste Bureau
New Mexico Environment Department
2905 E. Rodeo Park Drive, Bldg. 1
Santa Fe, NM  87505

Subject:  Class 1* Permit Modification Request for Change of Operation

Dear Mr. Zappe:

The purpose of this letter is to provide the New Mexico Environment Department (NMED) notification of changes in operation made by the Waste Isolation Pilot Plant’s (WIPP) Management and Operating Contractor. This information is being submitted to you as required by 20.4.1.900 NMAC (incorporating 40 CFR § 270.40).

This Class 1* Permit Modification Package (PMR) contains updated permit text for Permit Attachment A, "General Facility Description and Process Information," including a chronology of changes in the Management and Operating Contractor's organization since 1997.

In addition to the revised Class 1* information, Washington TRU Solutions, LLC (WTS) is providing Disclosure Forms according to NMSA 74-4-4.7(A). The Disclosure Forms contain confidential, proprietary, and personal information and are being provided under separate cover directly from Mr. Steve Warren, President, WTS to Mr. Steve Zappe, NMED. Because of the detailed level of disclosure in the forms (particularly the Personal History forms), all of the information is not available today. The supplemental information is being aggressively obtained and WTS expects to have supplemental information to Mr. Zapp at NMED by Friday, March 7, 2003.

If you have any questions regarding any of the information submitted, please contact Mr. Jody Plum at (505) 234-7462.

Sincerely,

Dr. Inés R. Triay, Manager
Carlsbad Field Office

Enclosure
Mr. Steve Zappe

cc: w/enclosure
T. Hughes, NMED

cc: w/o enclosure
R. Curry, NMED
J. Bearzi, NMED
G. Lundstrom, NMED
D. Watchman-Moore, NMED
C. Nobles, NMED
Class 1* Permit Modification Request

Change in Operation

Waste Isolation Pilot Plant
Carlsbad, New Mexico

WIPP HWFP #NM4890139088-TSDF

February 27, 2003
CERTIFICATION STATEMENT

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 fines and imprisonment for knowing violations.

S. D. Warren, President
Washington TRU Solutions LLC

Dr. Inês Triay, CBFO Manager
U. S. Department of Energy
Overview of the Permit Modification Request

This document contains one Class 1* Permit Modification Request (PMR) 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.

This PMR is being submitted by the U.S. Department of Energy (DOE), Carlsbad Field Office (CBFO) and Washington TRU Solutions LLC (WTS), 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) §270.40(a)). The PMR documents any changes in the operation and the history of the management and operating contractor’s (MOC) change of ownership, name, and/or organization since 1997. This change does not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modification to the WIPP HWFP and related supporting documents are provided in this PMR. 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 Request
Table 1. Class 1* Hazardous Waste Facility Permit Modification Request

<table>
<thead>
<tr>
<th>No.</th>
<th>Affected Permit Section</th>
<th>Item</th>
<th>Attachment A Page #</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>a.1. Attachment A</td>
<td>To delineate the changes which have occurred relevant to the MOC at the WIPP facility.</td>
<td>A-3</td>
</tr>
</tbody>
</table>
Item 1

Description:
The PMR documents the history of the MOC's change in operations including changes of ownership, name, and/or organization since 1997. This modification will provide the changes required to amend Attachment A of the HWFP, in chronological order.

Basis:
This PMR documents changes that occurred since 1997 that are related to the MOC. Notifications related to these changes including letters and permit modifications have been previously submitted to the NMED. This modification is being submitted as a Class 1* as defined in 20.4.1.900 NMAC (incorporating 40 CFR § 270.42(a)).

Discussion:

Changes Occurring Prior to Issuance of the HWFP

Prior to the issuance of the HWFP the following changes occurred relevant to the MOC:

- December 18, 1997 - Change of name/ownership of the applicant from Westinghouse Electric Corporation to CBS Corporation. Westinghouse Waste Isolation Division became a division of Westinghouse Electric Company, a division of CBS corporation.
- September 17, 1998 - Transfer of ownership for the MOC, Westinghouse Waste Isolation Division, from CBS Corporation to a joint venture of British Nuclear Fuels and Morrison-Knudsen Corporation
- March 2, 1999 - Pending Change of name/ownership from MK/BNFL,GESCO LLC to Westinghouse Government Environmental Services (WGES)
- March 24, 1999 - Official notification of the divestiture of Westinghouse Electric Company from CBS Corporation to MK/BNFL GESCO LLC to WGES

Since the HWFP had not been issued at the time of these changes there was no mechanism by which a permit modification could be made. Therefore the notifications were made by letter and a revised Part A Permit Application was Submitted on April 21, 1999 (Enclosure A). The final change described above (change of name from MK/BNFL GESCO, LLC to WGES) was not included in the HWFP issued by NMED in October, 1999, after the notification letter. Therefore, a Class 1 permit modification notification was submitted to the NMED on July 20, 2000. This permit modification was deemed administratively complete by the NMED on August 31, 2001 (Enclosure B).

These changes are delineated in the Attachment A chronology as having occurred prior to permit issuance.

Changes Occurring After Issuance of the HWFP

The WIPP MOC contract was rebid in 2000 and the Department of Energy announced publicly on October 12, 2000 that Westinghouse TRU Solutions, LLC was the successful offeror. This change did not take effect until February 1, 2001. To comply with the requirements of 20.4.1.900 NMAC (incorporating 40 CFR § 270.42, Appendix I), a Class 1 permit modification was submitted to the NMED on February 2, 2001, of which WGES serves as the managing member. This modification was deemed administratively complete by NMED on August 31, 2001 (Enclosure C).
Finally, on December 27, 2002 the Permittees submitted a Class 1 modification to change the corporate name of the co-permittee from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. This change was deemed administratively complete by the NMED on February 6, 2003 (Enclosure D).

Financial Requirements

This PMR does not address the financial requirements described in 20.4.1.900 NMAC (incorporating 40 CFR § 270.40(b)) because these requirements do not apply. On August 8, 2000 the NMED removed the references to financial requirements (Attachment K) of the HWFP. One reference was missed by the NMED when they issued the revised permit text. A Class 1 modification was submitted on September 21, 2000 which was subsequently approved by NMED on August 31, 2001 which removed the last reference in the HWFP to financial assurance requirements (Enclosure E).

Revised Permit Text:

a. 1. Permit Attachment A

ATTACHMENT A

GENERAL FACILITY DESCRIPTION AND PROCESS INFORMATION

1 A-1 Facility Description

2 Abstract

3 NAME OF FACILITY: Waste Isolation Pilot Plant

4 OWNER and CO-OPERATOR: U.S. Department of Energy
5 P.O. Box 3090
6 Carlsbad, NM 88221

7 CO-OPERATOR: Washington TRU Solutions LLC
8 P.O. Box 2078
9 Carlsbad, NM 88221

10 RESPONSIBLE OFFICIALS: Inés Triay, Manager
11 DOE/Carlsbad Field Office

A-4
| **1** | Dr. Steven Warren, President  
Washington TRU Solutions LLC |
|------|--------------------------------------------------------------------------------|
| **2** | FACILITY MAILING ADDRESS:  
U.S. Department of Energy  
P.O. Box 3090  
Carlsbad, NM 88221 |
| **3** | FACILITY LOCATION:  
30 miles east of Carlsbad on the Jal Highway, in  
Eddy County. |
| **4** | TELEPHONE NUMBER:  
505/234-7300 |
| **5** | U.S. EPA I.D. NUMBER:  
NM4890139088 |
| **6** | GEOGRAPHIC LOCATION:  
32° 22' 30" N  
103° 47' 30" W |
| **7** | DATE OPERATIONS BEGAN:  
November 26, 1999 |

A-5
Description of Activities

The Waste Isolation Pilot Plant (WIPP) is a facility for the management, storage and disposal of transuranic (TRU) mixed waste. Only contact-handled (CH) TRU mixed waste is permitted for storage or disposal at the WIPP facility. No remote-handled (RH) TRU mixed waste will be accepted at the facility under this permit.

Property Description

The WIPP facility has been divided into functional areas. The Property Protection Area (PPA), surrounded by a chain-link security fence, encompasses 34.16 acres and provides security and protection for all major surface structures. The DOE Off Limits Area encloses the PPA, and is approximately 1,454 acres. These areas define the DOE exclusion zone within which certain items and material are prohibited. The final zone is marked by the WIPP Site Boundary (WIPP land withdrawal area) a 16-section Federal land area under the jurisdiction of the DOE.

Facility Type

There are three basic groups of structures associated with the WIPP facility: surface structures, shafts and underground structures. The surface structures accommodate the personnel, equipment, and support services required for the receipt, preparation, and transfer of TRU mixed waste from the surface to the underground. There are two surface locations where TRU mixed waste will be managed. The first includes a portion of the Waste Handling Building (WHB), of which 33,175 square feet is designated as the WHB Container Storage Unit (WHB Unit) for TRU mixed waste management. The second area designated for managing TRU mixed waste is the Parking Area Container Storage Unit (Packing Area Unit), an outside container storage area which extends south from the WHB to the rail siding. The Parking Area Unit provides storage space for up to 12 loaded Contact Handled Packages on an asphalt and concrete surface encompassing approximately 115,000 square feet.

Four vertical shafts connect the surface facility to the underground. These are the Waste Shaft, the Salt Handling Shaft, the Exhaust Shaft and the Air Intake Shaft. The Waste Shaft is the only shaft used to transport TRU mixed waste to the underground. The WIPP underground structures are located in a mined salt bed 2,150 feet below the surface.

The underground structures include the underground Hazardous Waste Disposal Units (HWDUs), an area for future underground HWDUs, the shaft pillar area, interconnecting tunnels and other areas unrelated to the RCRA Hazardous Waste Permit. The underground HWDUs are defined as waste panels, each consisting of seven rooms and two access drifts. The WIPP underground area is designated as Panels 1 through 10, although only Panels 1 through 3 will be used under the terms of this permit. Each of the seven rooms is approximately 300 feet long, 33 feet wide and 13 feet high.

Waste Description

Wastes destined for WIPP are byproducts of nuclear weapons production and have been identified in terms of waste streams based on the processes that produced them. Each waste
stream identified by generators is assigned to a Waste Summary Category to facilitate RCRA waste characterization, and reflect the final waste forms acceptable for WIPP disposal.

These Waste Summary Categories are:

**S3000—Homogeneous Solids**
Solid process residues defined as solid materials, excluding soil, that do not meet the applicable regulatory criteria for classification as debris [20.4.1.800 NMAC, (incorporating 40 CFR §268.2(g) and (h))]. Solid process residues include inorganic process residues, inorganic sludges, salt waste, and pyrochemical salt waste. Other waste streams are included in this Waste Summary Category based on the specific waste stream types and final waste form. This category includes wastes that are at least 50 percent by volume solid process residues.

**S4000—Soils/Gravel**
This waste summary category includes waste streams that are at least 50 percent by volume soil. Soils are further categorized by the amount of debris included in the matrix.

**S5000—Debris Wastes**
This waste summary category includes waste that is at least 50 percent by volume materials that meet the NMAC criteria for classification as debris (20.4.1.800 NMAC (incorporating 40 CFR §268.2)). Debris means solid material exceeding a 2.36 inch (60 millimeter) particle size that is intended for disposal and that is: 1) a manufactured object, 2) plant or animal matter, or 3) natural geologic material.

The S5000 Waste Summary Category includes metal debris, metal debris containing lead, inorganic nonmetal debris, asbestos debris, combustible debris, graphite debris, heterogeneous debris, and composite filters, as well as other minor waste streams. Particles smaller than 2.36 inches in size may be considered debris if the debris is a manufactured object and if it is not a particle of S3000 or S4000 material.

If a waste does not include at least 50 percent of any given category by volume, characterization shall be performed using the waste characterization process required for the category constituting the greatest volume of waste for that waste stream.

Wastes may be generated at the WIPP facility as a direct result of managing the TRU and TRU mixed wastes received from the off-site generators. Such waste may be generated in either the WHB or the underground. This waste is referred to as "derived waste." All such derived waste will be placed in the rooms in HWDUs along with the TRU mixed waste for disposal.

Non-mixed hazardous wastes generated at the WIPP, through activities where contact with TRU mixed waste does not occur, are characterized, placed in containers, and stored (for periods not exceeding the limits specified in 20.4.1.300 NMAC (incorporating 40 CFR §262.34)) until they are transported off site for treatment and/or disposal at a permitted facility. This waste generation and accumulation activity, when performed in compliance with 20.4.1.300 NMAC (incorporating 40 CFR §262), is not subject to RCRA permitting requirements and, as such, is not addressed in the permit.
December 18, 1997  Change of name/ownership from Westinghouse Electric Corporation to CBS Corporation. Westinghouse Waste Isolation Division became a division of Westinghouse Electric, a division of CBS Corporation. Notification to the NMED was made as the permit applicant by letter dated December 18, 1997. The permit was not yet issued.

September 17, 1998  Transfer of ownership for the MOC, Westinghouse Waste Isolation Division, from CBS Corporation to British Nuclear Fuels and Morrison-Knudsen Corporation known as MK/BNFL GESCO LLC. Notification to the NMED was made as the permit applicant by letter dated September 17, 1998. The permit was not yet issued.

March 2, 1999  Pending change of name/ownership from MK/BNFL GESCO LLC to Westinghouse Government Environmental Services Company LLC. Notification to the NMED was made as the permit applicant by letter dated March 2, 1999. The permit was not yet issued.

March 24, 1999  Official notification of the divestiture of Westinghouse Electric Company from CBS Corporation to MK/BNFL GESCO LLC. Notification to the NMED was made as the permit applicant by letter dated March 24, 1999. The permit was not yet issued.

April 21, 1999  Revised Part A Permit Application was submitted reflecting that the Westinghouse Waste Isolation Division, co-operator of the WIPP hazardous waste facility, was now a part of the Westinghouse Government Environmental Services Company LLC.

July 20, 2000  Class 1 permit modification submitted to the NMED changing the name in the HWFP from Westinghouse Electric Corporation to Westinghouse Government Environmental Services Company LLC (WGES), Waste Isolation Division (WID). This modification was deemed administratively complete by the NMED on August 31, 2001.

August 8, 2000  New permit issued by the NMED which removed references to Financial Requirements (Attachment K).

September 21, 2000  Class 1 permit modification submitted to the NMED which removed a reference to financial assurance/liability from Module II which was inadvertently left in the permit when the NMED issued the new permit on August 31, 2000. This modification was deemed administratively complete by the NMED on August 31, 2001.

January 29, 2001  Class 1 permit modification submitted to the NMED by letter dated February 2, 2001 which changed the name of the MOC from Westinghouse Government Environmental Services Company LLC (WGES), Waste Isolation Division (WID) to Westinghouse TRU Solutions
December 27, 2002  Class 1 permit modification submitted to the NMED which changed the name of the MOC from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. This modification was deemed administratively complete by the NMED on February 6, 2003.
Enclosure A

Notifications and Part A Prior to Issuance of the HWFP
Mr. Mark E. Weidler, Secretary  
New Mexico Environment Department  
Harold Runnels Building  
P.O. Box 26110  
Santa Fe, NM 87502

Subject: WASTE ISOLATION PILOT PLANT RCRA PART A AND RCRA PART B PERMIT APPLICATIONS; NOTIFICATION OF WESTINGHOUSE ELECTRIC CORPORATION’S NAME CHANGE

Dear Mr. Weidler:

The purpose of this letter is to inform you that Westinghouse Electric Corporation has changed its name to CBS Corporation. The Westinghouse Waste Isolation Division is now a division of Westinghouse Electric Company, a division of CBS Corporation. Please accept this letter as notification for purposes of the WIPP Part A and Part B hazardous waste permit applications, which Westinghouse signed as co-operator at the U.S. Department of Energy’s Waste Isolation Pilot Plant (WIPP).

If you have any questions or require additional information, please call me at (505) 234-8200 or Ms. Gloria Barnes at (505) 234-7377.

Very truly yours,

Joseph L. Epstein, General Manager  
Westinghouse Waste Isolation Division  
Westinghouse Electric Company

GJB:ss

cc: Benito Garcia, NMED  
    Susan McMichael, NMED  
    George Dials, CAO  
    Cooper Wayman, CAO  
    Mike McFadden, CAO  
    Craig Snider, CAO
September 17, 1998

Dr. Ed Kelley, Director
Water and Waste Management Division
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110

Re: Hazardous Waste Permit Application NM 4890139088
U.S. Department of Energy, Waste Isolation Pilot Plant
Co-Permittee and Co-Operator, Westinghouse Electric Corporation
Waste Isolation Division - 90-Day Notification of Pending Transfer

Dear Dr. Kelley:

Pursuant to the 90-day notification requirements of 40 CFR 270.40 and 20 NMAC 4.1, Section 900, this letter is to inform you that CBS Corporation, doing business as Westinghouse Electric Company, will be divesting the Westinghouse Waste Isolation Division, prime contractor for the U.S. Department of Energy Waste Isolation Pilot Plant located in Carlsbad, New Mexico. The divestiture, which is scheduled to occur on or about December 15, 1998, will involve the transfer of Westinghouse Electric Company’s responsibilities as Co-Permittee and Co-Operator under the referenced Hazardous Waste Permit Application. The transferee will be a limited liability company owned jointly by British Nuclear Fuels, plc and Morrison-Knudsen Corporation. Accordingly, the Hazardous Waste Permit Application will need to be modified to reflect the pending change in Co-Permittee and Co-Operator.

Please note that the U.S. Department of Energy will remain the Facility Owner, Co-Permittee and Operator of the Waste Isolation Pilot Plant.

We will contact you as soon as the legal name of the new British Nuclear Fuels/Morrison Knudsen entity has been established and the date of the divestiture has been determined. At that time we will be able to submit the necessary permit modification documents. In the interim, if you have any questions or require additional information, please call me at (412) 642-4657 or Mr. Thomas Touri at (412) 642-5855.

Very truly yours,

CBS CORPORATION

Jody Noble, Counsel

cc: Joe Epstein (WID)
Gloria Barnes (WID)
Mike McFadden (DOE)
Cooper Wayman (DOE)
Susan McMichael (NMED)
March 2, 1999

Dr. Ed Kelley, Director
Water and Waste Management Division
New Mexico Environment Department
PO Box 26110
Santa Fe, NM 87502-6110

Re: Hazardous Waste Permit Application NM 4890139088
US Department of Energy, Waste Isolation Pilot Plant
Notice of Pending Transfer of Co-Permittee and Co-Operator
CBS Corp./Westinghouse Electric Corp., Waste Isolation Division

Dear Dr. Kelley:

This letter serves as notice of the pending transfer of Westinghouse Electric Corporation’s Co-Permittee and Co-Operator responsibilities under the referenced Hazardous Waste Permit Application. The planned December 15, 1998 divestiture of the Westinghouse Waste Isolation Division that was described in a September 17, 1998 letter submitted by CBS Corporation (doing business as Westinghouse Electric Corporation), has not yet occurred; the anticipated closing date of the sale transaction is March 19, 1999. On that date, MK/BNFL GESCO LLC, a limited liability company owned jointly by British Nuclear Fuels plc and Morrison Knudsen Corporation, will purchase the Westinghouse Waste Isolation Division, the prime contractor for the US Department of Energy Waste Isolation Pilot Plant located in Carlsbad, New Mexico. MK/BNFL GESCO LLC will be renamed Westinghouse Government Environmental Services Company LLC on the closing date. Accordingly, the Hazardous Waste Permit Application will need to be modified to reflect the new Co-Permittee and Co-Operator, Westinghouse Government Environmental Services Company LLC. We will contact you as soon as possible if the pending divestiture and the date of the requested Application modification will be postponed.

Please note that the US Department of Energy will remain the Facility Owner, Co-Permittee and Operator of the Waste Isolation Pilot Plant.

If you have any questions or require additional information, please call Jody Noble at (412) 642-4657.

Very truly yours,

CBS CORPORATION

Jody Noble
Counsel

MK/BNFL GESCO LLC

Jonathan M. Robertson
Secretary

cc: Joe Epstein (WID)
    Gloria Barnes (WID)
    Mike McFadden (DOE)
    Cooper Wayman (DOE)
    Susan McMichael (NMED)
Westinghouse Electric Company
Government and Environmental Services Company

Mr. Peter Maggiore, Secretary
New Mexico Environment Department
Harold Runnels Building
P.O. Box 26110
Santa Fe, NM 87502

Subject: WASTE ISOLATION PILOT PLANT HAZARDOUS WASTE RESOURCE CONSERVATION AND RECOVERY ACT PART A AND PART B PERMIT APPLICATIONS: NOTIFICATION OF SALE OF THE WESTINGHOUSE WASTE ISOLATION DIVISION

March 24, 1999

Dear Mr. Maggiore:

The purpose of this letter is to provide official notification that the divestiture of Westinghouse Electric Company from the CBS Corporation has been completed, effective March 22, 1999. The Westinghouse Electric Company has been purchased by MK/BNFL GESCO LLC, a limited liability company owned jointly by Morrison Knudsen Corporation (MK) and British Nuclear Fuels (BNFL) through its wholly owned BNFL U.S. subsidiary company, BNFL Nuclear Services Inc. (BNSI). The MK/BNFL GESCO LLC has been renamed Westinghouse Government Environmental Services Company LLC (WGES). WGES will include the existing Westinghouse divisions providing environmental and remediation services, including the Westinghouse Waste Isolation Division (WID) management and operating contractor at the United States (U.S.) Department of Energy's (DOE's) Waste Isolation Pilot Plant (WIPP) located in Carlsbad, New Mexico. Under the new ownership structure, senior managers of the Westinghouse WID will maintain their current positions.

Please accept this letter as notification for purposes of the WIPP Part A and Part B Hazardous Waste Permit Applications, which Westinghouse signed as Co-Operator. We intend to file a revised Part A Permit Application reflecting this new status. If you require revision of other documents related to the Part A and Part B Permit Applications, please let us know.
Mr. Peter Maggiore

Please note that the U.S. DOE will remain the Owner, Co-Permittee and Operator of the WIPP.

If you have any questions or require additional information, please contact Ms. Gloria Barnes at (505) 234-7377.

Sincerely,

J. L. Epstein
General Manager

GJB:ys

cc:  K. Klein, CAO
     M. McFadden, CAO
     C. Wayman, CAO
     T. Przybylek, DOE/AL
     B. Garcia, NMED
     G. Lewis, NMED
     S. McMichael, NMED
Mr. Peter Maggiore, Secretary
New Mexico Environment Department
Harold Runnels Building
P.O. Box 26110
Santa Fe, NM 87502

Subject: WASTE ISOLATION PILOT PLANT HAZARDOUS WASTE RESOURCE CONSERVATION AND RECOVERY ACT PART A PERMIT APPLICATION

Dear Mr. Maggiore:

Pursuant to the letters sent to you on September 17, 1998, and March 2 and March 24, 1999, enclosed is a revised Part A Permit Application for the Waste Isolation Pilot Plant (WIPP). Revision of this document reflects the following:

1. That the Westinghouse Waste Isolation Division, co-operator of the WIPP hazardous waste facility, is now a part of the Westinghouse Government Environmental Services Company LLC (WGES);

2. That Mr. Keith Klein is presently the acting manager at the U.S. Department of Energy's Carlsbad Area Office; and

3. That minor clarifications have been made to the narratives on pages 3 of 7 and 7 of 7.

If you have any questions or require additional information, please contact us.

Sincerely,

K. A. Klein, Acting Manager
Carlsbad Area Office

cc: M. McFadden, CAO
    C. Wayman, CAO
    T. Przybylek, DOE/AL
    B. Garcia, NMED
    G. Lewis, NMED
    S. McMichael, NMED

J. L. Epstein, General Manager
Westinghouse Waste Isolation Division
Enclosure B

Class 1 PMN dated July 20, 2000 and Related Information
Notice of RCRA Class 1 Permit Modification
in Accordance with 20.4.1.900 NMAC
(incorporating 40 CFR Part 270)

Waste Isolation Pilot Plant
Carlsbad, New Mexico

July 20, 2000
Item 11

Description:
Revise the permit to include correct corporate references and management personnel and to correct a reference to the NMAC in Attachment B-3b.

Basis:
Revise the permit to include correct corporate references and management personnel. Changes in corporate affiliation were identified to NMED previously by letter. A reference to Section 261 of the NMAC is incorrectly referred to as 4.1.500 instead of 4.1.200.

Discussion:
The change is informational in nature and is therefore a Class 1 change.

Revised Permit Text:
a. 1. Module I

The Secretary of the New Mexico Environment Department (Secretary) issues this Permit to the United States Department of Energy (DOE), the owner and co-operator of the Waste Isolation Pilot Plant (WIPP) (EPA I.D. Number NM4890139088), and the Waste Isolation Division (WID) of Westinghouse Electric Government Environmental Services Company LLC, a division of GBS Corporation, the co-operator of WIPP. This Permit authorizes DOE and WID (the Permittees) to manage, store, and dispose contact-handled transuranic (TRU) mixed waste at WIPP, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§74-4-1 et. seq. (Repl. Pamp. 1993) and the New Mexico Hazardous Waste Regulations, 20-NMAC 4.1.100 NMAC et. seq.


"Permittees" means the United States Department of Energy (DOE), an agency of the Federal government, and the owner and co-operator of the WIPP facility; and the Waste Isolation Division of Westinghouse Electric Government Environmental Services Company LLC (WID), a division of GBS Corporation, and the co-operator of the WIPP facility.

b. Attachment A-1 Facility Description

Abstract

NAME OF FACILITY: Waste Isolation Pilot Plant
OWNER and CO-OPERATOR: U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

CO-OPERATOR: Westinghouse Electric Corporation Government Environmental Services Company, LLC
Waste Isolation Division
P.O. Box 2078
Carlsbad, NM 88221

RESPONSIBLE OFFICIALS: Keith Kleiman, Triay, Manager
DOE/Carlsbad Area Office
Joseph L. Epstein, General Manager
Westinghouse Electric Corporation Government Environmental Services Company, LLC

FACILITY MAILING ADDRESS: U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

FACILITY LOCATION: 30 miles east of Carlsbad on the Jal Highway, in Eddy County.
c. Attachment B-3b

Acceptable knowledge (AK) is used in TRU mixed waste characterization activities in three ways:

- To delineate TRU mixed waste streams
- To assess whether TRU mixed heterogenous debris wastes exhibit a toxicity characteristic (20. NMAC 4.1.506200 NMAC, incorporating 40 CFR §261.24)
- To assess whether TRU mixed wastes are listed (20. NMAC 4.1.506200 NMAC, incorporating 40 CFR §261.31)

d. 1. Attachment I1 List of Abbreviations/Acronyms

<table>
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<th>Definition</th>
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<td>American Concrete Institute</td>
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<td>AISCI</td>
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<tr>
<td>MSHA</td>
<td>Mine Safety and Health Administration</td>
</tr>
<tr>
<td>NMAC</td>
<td>New Mexico Administrative Code</td>
</tr>
<tr>
<td>NMED</td>
<td>New Mexico Environment Department</td>
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<tr>
<td>NaCl</td>
<td>sodium chloride</td>
</tr>
<tr>
<td>NMVP</td>
<td>no-migration variance petition</td>
</tr>
<tr>
<td>psi</td>
<td>pound(s) per square inch</td>
</tr>
<tr>
<td>RCRA</td>
<td>Resource Conservation and Recovery Act</td>
</tr>
<tr>
<td>SMC</td>
<td>Salado Mass Concrete</td>
</tr>
<tr>
<td>TRU</td>
<td>transuranic</td>
</tr>
<tr>
<td>VOC</td>
<td>volatile organic compound(s)</td>
</tr>
<tr>
<td>Westinghouse</td>
<td>Westinghouse Electric Corporation Government Environmental Services Company, LLC</td>
</tr>
<tr>
<td>WID</td>
<td>Waste Isolation Division</td>
</tr>
<tr>
<td>WIPP</td>
<td>Waste Isolation Pilot Plant</td>
</tr>
</tbody>
</table>

d. 2. Attachment I1 Executive Summary

**Scope.** Under contract to Westinghouse Electric Corporation (Westinghouse) now Westinghouse Government Environmental Services Company, LLC, Waste Isolation Division (WID), IT Corporation has prepared a detailed design of a panel-closure system for the Waste Isolation Pilot Plant (WIPP). Preparation of this detailed design of an operational-phase closure system is required to support a Resource Conservation and Recovery Act (RCRA) Part B permit application. This report describes the detailed design for a panel-closure system specific to the WIPP site. The recommended panel-closure system will adequately isolate the waste-emplacement panels for at least 35 years.

e. 1. Attachment I1G Section 01010- Summary of Work

A-39
Abbreviations/Acronyms

ACI  American Concrete Institute
AISC  American Institute for Steel Construction
ANSI  American National Standards Institute
ASTM  American Society for Testing and Materials
AWS  American Welding Society
CFR  Code of Federal Regulations
DOE  U.S. Department of Energy
DRZ  Disturbed rock zone
EPA  U.S. Environmental Protection Agency
MB 139  Marker Bed 139
MSHA  U.S. Mine Safety and Health Administration
NMAC  New Mexico Administrative Code
NMED  New Mexico Environment Department
RCRA  Resource Conservation and Recovery Act
SMC  Salado Mass Concrete
USACE  U.S. Army Corps of Engineers
Westinghouse  Westinghouse Electric Corporation
WID  Waste Isolation Division
WIPP  Waste Isolation Pilot Plant

e. 2. Attachment I1G Section 01090 - Reference Standards

WID  Westinghouse Electric Corporation
Waste Isolation Division
Carlsbad, New Mexico 88221
August 31, 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 Completeness Determination, Class 1 notifications
WIPP Hazardous Waste Facility Permit
EPA I.D. Number NM4890139088

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) acknowledges receipt of numerous notifications of Class 1 permit modifications and requests for Class 2 permit modifications to the WIPP Hazardous Waste Facility Permit. NMED did not review the following documents for administrative completeness because the Permittees subsequently withdrew them:

- Request for Class 2 Permit Modifications and Temporary Authorization, Dated 7/21/00, Rec'd 7/26/00
- Notification of Class 1 Permit Modifications, Dated 11/13/00, Rec'd 11/18/00

NMED has reviewed the following submittal, but is deferring administrative action on it until a later date:

- Notification of Class 1 Permit Modifications, Dated 7/21/00, Rec'd 7/25/00

The specific submittals reviewed for administrative completeness are as follows:

- Notification of Class 1 Permit Modifications, Dated 3/30/00, Rec'd 4/6/00
- Notification of Class 1 Permit Modifications, Dated 6/23/00, Rec'd 6/28/00
- Notification of Class 1 Permit Modifications (Retrofit), Dated 7/21/00, Rec'd 7/25/00
- Notification of Class 1 Permit Modifications, Dated 8/8/00, Rec'd 8/11/00
- Submittal of Panel 2 Certification of Construction, Notification of Class 1 Permit Modifications, Dated 9/14/00, Rec'd 9/19/00
- Notification of Class 1 Permit Modifications, Dated 9/21/00, Rec'd 9/25/00
- Notification of Class 1 Permit Modifications, Dated 11/1/00, Rec'd 11/6/00
- Notification of Class 1 Permit Modifications, Dated 11/28/00, Rec'd 12/4/00
- Notification of Class 1 Permit Modifications, Dated 12/12/00, Rec'd 12/14/00
- Notification of Class 1 Permit Modifications, Dated 1/29/01, Rec'd 2/5/01
- Notification of Class 1 Permit Modifications, Dated 3/6/01, Rec'd 3/8/01

NMED has reviewed this last list of documents and determined that they are

http://www.nmenv.state.nm.us/wipp/admincompl0801.html

1/23/02
administratively complete. With the exceptions of those modifications identified in Attachment 1 as being either withdrawn, rejected, or accepted with changes, all other modifications identified in the Notices of Class 1 Modification listed above as being administratively complete have been put into effect as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)). Attachment 2 is a list of figures and other items for which the Permittees must submit clean copies for inclusion in the Permit.

Although NMED has determined the above submittals to be administratively complete, it is concerned with the adequacy of the notice of Class 1 modifications to the facility mailing list required of the Permittees under 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(ii)). NMED Secretary Peter Maggiore received a letter dated June 25, 2001 from Don Hancock of Southwest Research and Information Center (Attachment 3) alleging that the September 18, 2000 notice mailed to the facility mailing list regarding the "Class 1 Modifications Summary June 21, July 20, July 21, and August 8" did not constitute proper notice. NMED believes that the public notice required under §270.42(a)(1)(ii) should, minimally, contain a complete and accurate description of the modification sufficient to notify the public of the change and seek review by the Secretary. 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(iii)). The Permittees should exercise greater care in developing public notices for Class 1 modifications to ensure they contain sufficiently detailed descriptions of the modifications.

The New Mexico Hazardous Waste Fee Regulations require assessment of fees when administrative review of a document is complete, as specified in 20.4.2.301 NMAC. NMED will issue an invoice to you under a separate letter. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

Attachments:

Attachment 1 - General comments
Attachment 2 - Request for specific figures and items for incorporation into Permit
Attachment 3 - June 25, 2000 letter from Don Hancock, SRIC to Secretary Peter Maggiore, NMED

cc: Greg Lewis, NMED WWMD
James Bearzi, NMED HWB
Steve Zappe, NMED HWB
Cindy Abeыта, NMED HWB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
July 20, 2000 Notice of Class I Permit Modifications

Item 2.b The Permittees withdrew this modification request in a letter received by NMED on August 29, 2001.

Item 2.c.2 The Permittees withdrew this modification request in a letter received by NMED on August 29, 2001.

Item 2.d The change specified in the notification proposed modifying the text to include additional allowable waste containers. The modification includes the direct loading of ten-drum overpack (TDOP) containers and 85-gallon drums (rather than just using them as overpack drums) and the addition of 100-gallon drums. NMED rejected this as a Class I modification in a separate administrative action in a letter dated August 30, 2001.

Item 3.a.1 Replacing the symbol for part ($) with the word "Part" in this single instance is inconsistent with every other occurrence in the permit. This change was not incorporated. The Permittees also need to correct the web version of this modification, since it includes both the word "Part" and the symbol "$\$".

Item 3.a.7 See Item 3.a.1. This change was not incorporated.

Item 3.a.8 The Table of Contents for the Permit has also been modified to correct the name of Attachment E.

Item 3.a.10 Several other occurrences of "underground HWMU" were located and changed in Attachment I.

Item 10.b The change specified in the notification proposed correcting a typographical error supposedly introduced as a result of implementing the January 25, 2000 Item 8.b modification. This proposed change is unnecessary, since NMED's version of the Permit has this word correctly spelled. However, the Permittees might want to change the annotation to their online version of the Permit to indicate the correct date of the original modification (January 25, not March 28, 2000).

Item 11.b NMED has taken this opportunity to change the format of NMAC citations (e.g., from 20 NMAC 4.1.500 to 20.4.1.500 NMAC) throughout the entire Permit. The incorrect citation has also been fixed.

Item 12.b The Permit has been constructed such that modules can reference specific sections in attachments, but attachments do not reference specific permit conditions. Therefore, the reference in this modification has been reduced to Module II, not Module II.C.3. Furthermore, NMED has eliminated a subsequent definition of TSDF-WAC at the end of the Introduction of Attachment B, leaving only the acronym.

Item 12.c There is no need to change the acronym for the US Environmental Protection Agency from EPA to USEPA, since it is clearly defined in the introduction to Attachment B. Any changes from "EPA" to "USEPA" have not been incorporated. This also applies to Items 12.d and 12.5.

Also, each occurrence of "Hazardous Waste Code" in this paragraph and in section B-4b(1)
Class 1 Modifications Summary
June 21, July 20, July 21, and August 8

The following is a summary of the Class 1 Modifications submitted to the New Mexico Environment Department (NMED) since June 21, 2000.

June 21, 2000

Removed Fourier Transform Infra-Red (FTIR) method-specific language from the Permit, as there are several on-line sampling methods authorized by the Permit.

July 20, 2000

1. Several changes were made per the NMED's direction regarding the Class 1 Modifications submitted on November 10, November 15, November 30, 1999; January 7 and January 25, 2000.

2. Included 100-gallon drums as approved waste management containers.

3. Procedures were updated as a result of the annual review.

4. Changed a procedure to make it specific the groundwater monitoring program.

5. Several figures were updated to reflect internal modifications.

6. Inspection forms were updated to remove unnecessary information, to reflect updated information, and to make minor corrections.

7. Changes were made to update general information regarding the Permittees.

8. A change was made to allow generators to also identify waste by unique state hazardous waste codes.

9. References to the Waste Stream Profile Form were corrected.

10. Revisions were made to allow compositing of headspace gas samples.

11. Leak testing requirements for canisters used for headspace gas sampling were clarified.

July 21, 2000

Revised the Permit attachment text that establishes reporting requirements to eliminate inconsistencies, reporting overlaps, and to clarify requirements.

August 8, 2000

1. Added room-based VOC emission rate limits.

2. Revised Attachment M1 to clarify the use of filter vents.
Enclosure C

Class 1 PMN dated January 29, 2001 and Related Information
After Review, DOE Competitively Awards Contract For the Management of Waste Isolation Pilot Plant

Secretary of Energy Bill Richardson today announced that the Energy Department has awarded a $500 million, five-year contract for the management and operation of the Department's Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, to Westinghouse TRU Solutions LLC. The award was made after the department rescinded an initial contract decision in October to allow the two initial offerors an opportunity to submit final revised proposals.

"Selection of TRU Solutions marks a new phase in full-scale WIPP operations, and the contract will ensure continued safe, effective and efficient operations of WIPP," said Secretary Richardson. "We are confident that TRU Solutions will demonstrate a strong community presence in Southeast New Mexico concurrent with proving outstanding management and vision in implementing a final solution to the Nation's transuranic waste legacy."

On October 12, the Department announced that it had selected Westinghouse TRU Solutions as the successful offeror for managing and operating the WIPP facility. However, prior to signing the contract, Westinghouse TRU Solutions notified the Department of a change in its proposal that led the Department to rescind the selection to permit discussions with the two competing offerors. In late November, two final revised proposals were submitted for consideration and review.

- More -
Westinghouse TRU Solutions LLC, based in Carlsbad, was formed by Westinghouse Government Environmental Services Company LLC and Roy F. Weston, Inc. Key features of the contract include a five-year base period of performance with an option for an additional five years and a requirement to retain the current workforce at comparable pay and benefits. The Department received two strong proposals to perform the contract, one from TRU Solutions and another from Day and Zimmermann WIPP LLC.

After a brief transition period, the new contractor will assume responsibility for operations of the facility on February 1, 2000. Westinghouse Waste Isolation Division holds the current contract and has been the WIPP management contractor since 1988.

Since opening WIPP on March 26, 1999, the Department has permanently disposed of defense-generated transuranic radioactive waste left from the research and production of nuclear weapons and helped the Department meet its commitment to environmental cleanup. Transuranic waste consists of clothing, tools, rags, debris, residues, and other disposable items contaminated with radioactive elements, mostly plutonium.

Located in southeastern New Mexico, 26 miles east of Carlsbad, WIPP employs approximately 1,000 people. WIPP project facilities include disposal rooms excavated in an ancient, stable salt formation nearly one-half mile underground. For more information about WIPP, call 1-800-336-9477, or visit the WIPP Web site at www.wipp.carlsbad.nm.us.
SECTION B

SUPPLIES OR SERVICES AND PRICES/COSTS

B.1 SERVICES BEING ACQUIRED

The Contractor shall, in accordance with the terms of this Contract, provide the personnel, equipment, materials, supplies, and services, (except as may be furnished by the Government) and otherwise do all things necessary for, or incident to providing its best efforts so as to carry out in an efficient and effective manner all necessary and related services to manage and operate the Government-owned Waste Isolation Pilot Plant (WIPP), located near Carlsbad, New Mexico as described in Section C, Statement of Work, or as may be directed by the Contracting Officer within the scope of this Contract.

B.2 ESTIMATED COST, MAXIMUM AVAILABLE FEE, AND AVAILABLE FEE

(a) Estimated Cost

(1) The transition period (effective date of Contract through January 31, 2001) will be performed at no cost to the Government. There will be no fee paid for the transition period.

(2) The Estimated Cost of the Fiscal Year (FY) 2001 period of performance is $67,266,000.

(b) Fee:

(1) The Estimated Fee Base as defined in Department of Energy Acquisition Regulations (DEAR) 970.15 for the entire FY 2001 is $91,875,000. Due to the abbreviated performance period for FY 2001, the Maximum Available Fee for FY 2001 is $4,555,000.

(2) A Maximum Available Fee of $6,840,000 shall serve as the Maximum Available Fee for FY 2002 – FY 2005 and Option Years FY 2006 – FY 2010 unless the Estimated Fee Base for a given fiscal year deviates by more than plus or minus 15% from the Estimated Fee Base set forth above for FY 2001.

(3) In the event the Estimated Fee Base deviates for any fiscal year more than plus or minus 15% from the Estimated Fee Base (set forth in (b)(1) above), the Contractor agrees to negotiate with the U.S. Department of Energy (DOE) an equitable adjustment to the Maximum Available Fee amount to reflect the impact of such deviation. The new Maximum Available Fee for that fiscal year will be the amount calculated by DOE in accordance with
DEAR 970.15 (consistent with the FY 2001 fee computation methodology), multiplied by the ratio of the FY 2001 Maximum Available Fee in (b)(2) and $7,200,000 (See Section L-5 of the RFP). In the event the parties are unable to reach agreement on the Maximum Available Fee amount, the Government reserves the right to unilaterally establish the Maximum Available Fee amount.

(4) The Available Fee for FY 2001 - FY 2005 and Option Years FY 2006 – FY 2010 will be negotiated annually (or any other period as may be mutually agreed to between the parties) between the Contractor and the Government. The Available Fee will be equal to or less than the Maximum Available Fee set forth in (b)(2) above. The Available Fee shall be established considering the level of complexity, difficulty, cost effectiveness, and risk associated with specific objectives/incentives defined in the Performance Evaluation and Measurement Plan (PEMP), including work which may involve multiple-site taskings/objectives. Higher or lower levels of complexity, difficulty, cost effectiveness, and risk will correspondingly allow a higher or lower available fee. The portion of this Available Fee, defined as award fee versus performance-based incentives, will be determined for each period during the negotiation of the requirements in the PEM. In the event the parties are unable to reach agreement on the Available Fee amount, the Government reserves the right to unilaterally establish the Available Fee amount. The Contract will be modified to reflect the Available Fee for each period.

(5) The Available Fees for the specified Contract periods are set forth below:

<table>
<thead>
<tr>
<th>Contract Periods</th>
<th>Available Fee</th>
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</thead>
<tbody>
<tr>
<td>February 1, 2001, through September 30, 2001</td>
<td>$TBD</td>
</tr>
<tr>
<td>Award Fee</td>
<td>$TBD</td>
</tr>
<tr>
<td>Performance-Based Incentive</td>
<td>$4,555,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

(6) There will be no base fee under this Contract.

B.3 AVAILABILITY OF APPROPRIATED FUNDS

Except as may be specifically provided to the contrary in the Contract Clause entitled "Nuclear Hazards Indemnity Agreement," the duties and obligations of the Government hereunder calling for the expenditure of appropriated funds shall be subject to the availability of funds appropriated by the Congress, which the U.S. Department of Energy (DOE) may legally spend for such purposes.

B-2
December 12, 2000

The Department of Energy will begin an announcement that the decision to be made in DOE's Office of Energy Efficiency and Renewable Energy will be published in the Federal Register. The decision will be made in DOE's Office of Energy Efficiency and Renewable Energy.

January 3, 2001, for your information. The announcement will be published in the Federal Register.

You may request a decision in the evaluation of your proposal, by submitting a written

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Your proposal will be reviewed, and we look forward to our

Your proposal will be reviewed, and we look forward to our

We concur with your proposal and recommend that a

We concur with your proposal and recommend that a

The Department of Energy (DOE) has completed its final review of your proposal.

December 13, 2000

Announcement, New Mexico 2165-5400

Department of Energy

VIA PARADISE (955) 290-17

Columbia, MD 21044

Mesne, FAIRS, LLC

Anchorage, PA

December 2000

P.O. BOX 6400

Announcement, New Mexico 2165-5400

Department of Energy
Certified Mail - Return Receipt Requested

August 31, 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 Completeness Determination, Class 1 notifications
WIPP Hazardous Waste Facility Permit
EPA I.D. Number NM4890139088

Dear Dr. Triay and Mr. Lee:

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- Notification of Class 1 Permit Modifications, Dated 8/8/00, Rec'd 8/11/00
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NMED has reviewed this last list of documents and determined that they are

http://www.nmenv.state.nm.us/wipp/admincompl0801.html 1/23/02
administratively complete. With the exceptions of those modifications identified in Attachment 1 as being either withdrawn, rejected, or accepted with changes, all other modifications identified in the Notices of Class I Modification listed above as being administratively complete have been put into effect as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)). Attachment 2 is a list of figures and other items for which the Permittees must submit clean copies for inclusion in the Permit.

Although NMED has determined the above submittals to be administratively complete, it is concerned with the adequacy of the notice of Class I modifications to the facility mailing list required of the Permittees under 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a) (1)(ii)). NMED Secretary Peter Maggiore received a letter dated June 25, 2001 from Don Hancock of Southwest Research and Information Center (Attachment 3) alleging that the September 18, 2000 notice mailed to the facility mailing list regarding the "Class I Modifications Summary June 21, July 20, July 21, and August 8" did not constitute proper notice. NMED believes that the public notice required under §270.42(a)(1)(ii) should, minimally, contain a complete and accurate description of the modification sufficient to notify the public of the change and seek review by the Secretary. 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(iii)). The Permittees should exercise greater care in developing public notices for Class I modifications to ensure they contain sufficiently detailed descriptions of the modifications.

The New Mexico Hazardous Waste Fee Regulations require assessment of fees when administrative review of a document is complete, as specified in 20.4.2.301 NMAC. NMED will issue an invoice to you under a separate letter. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

Attachments:

Attachment 1 - General comments
Attachment 2 - Request for specific figures and items for incorporation into Permit
Attachment 3 - June 25, 2000 letter from Don Hancock, SRIC to Secretary Peter Maggiore, NMED

cc: Greg Lewis, NMED WWMD
James Bearzi, NMED HWB
Steve Zappe, NMED HWB
Cindy Abeyta, NMED HWB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
November 28, 2000 Notice of Class 1 Permit Modifications

Item 2.a.1 The change specified in the notification proposed deleting apparent requirements to routinely perform large area wipes from Table I3-2 in Attachment I3. Rather than delete the requirement from the table, NMED has added a footnote to Table I3-2 stating "Surface contamination surveys of TRUPACT II's are performed in accordance with Procedure WP 12-1100 (Permit Attachment P), which stipulates that all such work be performed under a Radiation Work Permit (RWP). The RWP will only stipulate large area wipes when necessary and not as a routine measure."

Item 4.a.3 Although the permit modification replace the acronym "WID" with "MOC" in this single location, there are still numerous references to WID throughout Attachment L. NMED did not perform any additional replacements beyond those specifically requested in the modification. NMED notes that many of these references were addressed by the January 29, 2001 Item 1.n notification.

December 12, 2000 Notice of Class 1 Permit Modifications

Item 1 The change specified in the notification proposed modifying the text to change the requirements for headspace gas sampling through the filter vent hole (Item 3, November 1, 2000). The Permittees' August 29, 2001 revised submittal for a temporary authorization and application of the Class 2 process on this previously submitted Class 1 modification is being evaluated and shall be addressed under a separate administrative action.

January 29, 2001 Notice of Class 1 Permit Modifications

Item 1c.2 This edit was not incorporated, because the portion of text to which it applied was related to another modification submitted as a Class 1 (Item 4, November 1, 2000). The Permittees' August 29, 2001 revised submittal for a temporary authorization and application of the Class 2 process on this previously submitted Class 1 modification is being evaluated and shall be addressed under a separate administrative action.

Item 1.k.1 NMED added the acronym for Management and Operating Contractor (MOC) to the List of Abbreviations and Acronyms.

Item 1.k.2 NMED inserted the phrase "Management and Operating Contractor (MOC)" after the abbreviation for Westinghouse to be consistent with the remainder of the modifications in this attachment.

Item 1.n.3 The modification proposed in this item is inconsistent with the existing modification made on November 28, 2000. It appears that the Permittees want to limit references to Westinghouse and instead use MOC whenever possible. NMED has not incorporated this change.

Item 1.n.5 Again, this proposed modification is inconsistent with the intent to replace specific names of Westinghouse and WID with "MOC." NMED has replaced "WID" with "MOC" instead of the requested "Westinghouse TRU Solutions LLC."

Attachment O On the "RCRA Part A Application Certification" on page O-11, NMED has inserted the phrase "Management and Operating Contractor (MOC) after the edit changing
the name to Westinghouse TRU Solutions LLC. Otherwise, the acronym MOC would have been used without first being defined.

Attachment 2
Request for Specific Figures and Items for Incorporation into Permit

Numerous Figures and other items provided in Permit modification submittals are either poor quality or are printed in colors which do not adequately reproduce as gray-scale photocopied images. The Permittees must provide clean copies of the following figures and items for incorporation into a revised Permit.

March 29, 2000 Notice of Class 1 Permit Modifications

Item 7 Attachment B, Figure B-1, WIPP Waste Stream Profile Form

July 20, 2000 Notice of Class 1 Permit Modifications

Item 7.a Attachment F, Figure F-10, WHB Pre-Fire Survey, First Floor
Attachment F, Figure F-11, WHB Pre-Fire Survey, Second Floor
Item 7.b Attachment G, Figure G-3, Waste Transport Routes in WHB
Item 7.c Attachment M1, Figure M1-1, WHB - Container Storage Unit
Attachment M1, Figure M1-14, WHB Plan (Ground Floor)
Item 7.d Attachment O, Figure O3-3, WHB - Container Storage Unit

September 14, 2000 Notice of Class 1 Permit Modification

Item 1.a Attachment F, Figure F-3, WIPP Underground Facilities
Attachment F, Figure F-5, Underground Emergency Equipment Locations
Attachment F, Figure F-9, Designated Underground Assembly Areas
Item 1.b Attachment I, Figure I-1, Location of Underground HWDUs
Attachment I, Figure I-6, Approximate Location of Boreholes
Attachment I2, Figure I2-1, View of the WIPP Underground Facility
Item 1.c Attachment M2, Figure M2-1, Repository Horizon

September 21, 2000 Notice of Class 1 Permit Modification

Item 2.a.1 Attachment H, Figure H-1, Organizational Location of Training...
Item 3.a.1 Attachment F, Figure F-1, WIPP Surface Structures
Attachment F, Figure F-1a, Legend to Figure F-1
Attachment F, Figure F-6, Fire-Water Distribution System
Attachment F, Figure F-8, WIPP On-Site Assembly Areas...
Item 3.b.1 Attachment G, Figure G-2, WIPP Traffic Flow Diagram
Item 17.a.1 Attachment F, Figure F-2, Spatial View of WIPP Facility
Attachment F, Figure F-3, WIPP Underground Facilities
Attachment F, Figure F-5, Underground Emergency Equipment Locations

http://www.nmenv.state.nm.us/wipp/admincompl0801.html

1/23/02
~NOTICE~
March 12, 2001

Waste Isolation Pilot Plant
Notification of Class 1 Permit Modifications

The U.S. Department of Energy (DOE) Carlsbad Field Office (CBFO) and Westinghouse TRU Solutions LLC (WTS) are notifying you of several Class 1 Permit Modifications to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit, Permit Number: NM4890139088-TSDF.

Class 1 permit modification notices were submitted to the New Mexico Environment Department. The following is a summary of the changes made with each notification.

December 12, 2000

One change was made regarding general permit provisions. Included in this modification was:

Add informational changes which indicates that an airtight seal may be used to sample through the existing vent hole (Affected Module/Attachment: Attachment B1 and B6)

January 29, 2001

One change was made regarding general permit provisions. Included in this modification was:

Name Change for M&O Contractor and Name change for DOE Office. (Affected Figure: L-17a, L-17b, and N-3) (Affected Module/Attachment: Module I, Attachment A, B, B3, B4, B6, F, H, H2, I, I2, L, M1, N, P, and O)

February 29, 2001

One change was made regarding general permit provisions. This modification was submitted as a Class 1*. Included in this modification was:

Eliminate the use of mini-sacks (Affected Figure: J1-2, M1-13, M2-4, M2-5, and M2-12) (Affected Attachment: M2)

Questions about this notification should be directed to Mr. Jody Plum at (505) 234-7462, or by E-mail at plumj@wipp.carlsbad.nm.us. Complete copies of the permit modification notices submitted to the New Mexico Environment Department may be located on the world wide web by accessing the WIPP home page at http://www.wipp.carlsbad.nm.us/wipp.htm, selecting “Document Center”, then “Hazardous Waste Disposal (RCRA) Permit Documents”. Copies can also be reviewed at the WIPP Information Center by calling 1 (800) 336-9477.
February 2, 2001

Steve Zappe, Project Leader (WIPP)
Hazardous Waste Permits Program
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044 — A Galisteo
Santa Fe, New Mexico 87502-6110

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

Dear Mr. Zappe:

The purpose of this letter is to notify you of organizational name changes in WIPP’s Hazardous Waste Facility Permit. The Carlsbad Area Office is now the Carlsbad Field Office effective February 1, 2001. The WIPP management and operating contractor’s name will change to Westinghouse TRU Solutions, LLC, serving as co-permittee under the HWFP. The Class 1 Permit Modification documenting the changes is enclosed. The modification is an administrative and informational Class I Permit Modification per 20 4.1.901 NMAC (incorporating 40 CFR 270.42 Appendix I, A.1).

The Department of Energy remains the owner and operator of the facility. Westinghouse Government Environmental Services LLC (WGES) and R. F. Weston, Inc. formed Westinghouse TRU Solutions specifically for the WIPP, of which WGES serves as managing member.

The impacts of these changes are administrative in nature. I, Inés Triay, remain the manager of the Carlsbad Field Office and Mr. Hank Herrera is President and General Manager of Westinghouse TRU Solutions, LLC.

The proposed changes do not compromise worker safety, human health, or the environment.

I certify under penalty of law that this document and all enclosures 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,

[Signature]
Dr. Inés R. Triay, CBFO Manager
U. S. Department of Energy

[Signature]
H. F. Herrera, General Manager
Westinghouse TRU Solutions, LLC

Enclosure

CBFO:ORCHLP:SJ:01-0722:UFC:5486
Notice of Class 1 Permit Modification in Accordance with WIPP Permit Condition I.B.1

Waste Isolation Pilot Plant
Carlsbad, New Mexico
Notice of Class 1 Permit Modification in Accordance with WIPP Permit Condition I.B.1

Consistent with the requirements of 20.4.1.900 New Mexico Administrative Code (NMAC) (hereafter referred to as Part 270 or Section 270.XX) the U.S. Department of Energy, Carlsbad Field Office is submitting to the New Mexico Environment Department (NMED) a notice of Class 1 modification to the Hazardous Waste Facility Permit (NM4890139088-TSDF) for the Waste Isolation Pilot Plant (WIPP). Specifically, this information is provided to comply with the requirements of Section 270.42(a).

This modification is listed in Table 1. Listed information includes a reference to the applicable section of the Permit, the title of the item and the relevant permit modification category as identified in 20.4.1.900 NMAC, incorporating 40 CFR 270.42, Appendix I. A more complete description of the Class 1 modification is provided in Attachment A.

The changes within these modifications do not reduce the capacity of the facility to protect human health or the environment.
Item - 1

Description:
Revise the Hazardous Waste Facility Permit (HWFP) to change Carlsbad Area Office (CAO) to Carlsbad Field Office (CBFO). Change M&O references from Westinghouse Government Environmental Services Company LLC to Westinghouse TRU Solutions LLC and identify appropriate management personnel in HWFP Modules and Attachments.

Basis:
The CAO has recently been changed to the CBFO. This modification reflects that change.

The CBFO recently awarded a five-year Management and Operating (M&O) contract for WIPP to Westinghouse TRU Solutions LLC. Westinghouse Government Environmental Services LLC (WGES) and Roy F. Weston Inc. formed Westinghouse TRU Solutions LLC specifically for WIPP, of which WGES serves as managing member. Westinghouse TRU Solutions LLC commenced operations on February 1, 2001, as WIPP M&O contractor and as co-permittee under the HWFP.

Discussion:
The change is administrative and informational in nature as described in 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.1). The recent name change for both the M&O contractor as well as the change from a DOE area office to field office has prompted this modification.
a.1. Module I, Section I.A. EFFECT OF PERMIT

The Secretary of the New Mexico Environment Department (Secretary) issues this Permit to the United States Department of Energy (DOE), the owner and co-operator of the Waste Isolation Pilot Plant (WIPP) (EPA I.D. Number NM4890139088), and Westinghouse TRU Solutions LLC, Management and Operating Contractor (MOC), the Waste Isolation Division (WID) of Westinghouse Electric Government Environmental Services Company LLC, a division of CBS Corporation Westinghouse TRU Solutions LLC, Management and Operating Contractor (MOC), the co-operator of WIPP. This Permit authorizes DOE and MOC WID (the Permittees) to manage, store, and dispose contact-handled transuranic (TRU) mixed waste at WIPP, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§74-4-1 et. seq. (Repl. Pamp. 1993) and the New Mexico Hazardous Waste Regulations; 20 NMAC 4.1.100 NMAC et. seq.

a.2. Module I, Section I.D.3. Permittees

"Permittees" means the United States Department of Energy (DOE), an agency of the Federal government, and the owner and co-operator of the WIPP facility; and Westinghouse TRU Solutions LLC, Management and Operating Contractor (MOC), the Waste Isolation Division of Westinghouse Electric Government Environmental Services Company LLC (WID), a division of CBS Corporation; and the co-operator of the WIPP facility.

b.1. Attachment A, Section A-1

ATTACHMENT A

GENERAL FACILITY DESCRIPTION AND PROCESS INFORMATION

A-1 Facility Description

Abstract

NAME OF FACILITY: Waste Isolation Pilot Plant

OWNER and CO-OPERATOR: U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

CO-OPERATOR: Westinghouse TRU Solutions Electric Corporation Government Environmental Services Company; LLC
Waste Isolation Division
P.O. Box 2078
Carlsbad, NM 88221

RESPONSIBLE OFFICIALS: Keith Klein Inês Triay, Manager
DOE/Carlsbad Area Field Office
Joseph L. Epstein, Henry F. Herrera, General Manager
Westinghouse TRU Solutions -Electric
Enclosure D

Class 1 PMN dated December 27, 2002 and Related Information
Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

~NOTICE~

January 24, 2003

Waste Isolation Pilot Plant
Notification of Class 1 Permit Modifications

The U.S. Department of Energy Carlsbad Field Office and Washington TRU Solutions LLC hereby notify you of the following Class 1 Permit Modifications to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit, Permit Number: NM4890139088-TSDF.

The following Class 1 and Class 1* permit modification notices were submitted to the New Mexico Environment Department (NMED) on the dates indicated below. Included with each notice is a summary of the change requested.

November 21, 2002 (Class 1*)

This modification requested to change the date of closure for Panel 1. After review of the modification and revised engineering report, NMED approved the extended closure date to indicate that Panel 1 will be closed “no later than five years after completion of the explosion isolation wall.” The 12-foot explosion isolation wall will be installed no later than 180 days after the last receipt of waste in Panel 1.

The above modification request was approved by NMED on December 26, 2002.

December 27, 2002 (Class 1)

This modification requested a change to the name of the management and operating contractor from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. In addition, a change was made to use the generic term “Management and Operating Contractor” in place of Washington TRU Solutions LLC.

January 16, 2002 (Class 1)

This modification requested a change in the name of the General Manager and President of Washington TRU Solutions LLC from Mr. John Lee to Dr. Steven D. Warren.

Class 1* - Must be approved by the NMED Secretary prior to its implementation.
February 6, 2003

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

Dr. Steven Warren, President  
Washington TRU Solutions, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

RE: ADMINISTRATIVE COMPLETENESS DETERMINATION AND ISSUANCE OF REVISED PERMIT  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088

Dear Dr. Triay and Dr. Warren:

The New Mexico Environment Department (NMED) acknowledges receipt of the following Notices of Class 1 Modifications to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau (HWB):

- Notification of Class 1 Permit Modifications (Corporate Name Change), Letter Dated 12/27/02, Rec’d 1/2/03
- Notification of Class 1 Permit Modifications (WTS President Name Change), Letter Dated 1/21/03, Rec’d 1/23/03
- Notification of Class 1 Permit Modifications (Fire Alarm), Letter Dated 1/27/03, Rec’d 1/28/03

NMED has reviewed these documents and determined that they are administratively complete. All modifications identified in the Notices of Class 1 Modification listed above have been put into effect as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)).
The New Mexico Hazardous Waste Fee Regulations require assessment of fees when administrative review of a document is complete, as specified in 20.4.2.301 NMAC. NMED will issue an invoice to you under a separate letter. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

NMED has issued a revised version of the Permit to reflect all modifications approved to date. These modifications include following:

- Drum Age Criteria Class 3 Permit Modification (Public Hearing No. HWB 02-01(M)), approved by Final Order of the NMED Secretary on December 31, 2002
- “Closure Schedule Change” Class 1 Permit Modification, approved by NMED on December 26, 2002
- The Class 1 modifications noted above, received between January 2 and January 28, 2003

The approved modifications are incorporated in Attachment 1, which contains the redline/strikeout pages of the modified permit to help the reader rapidly identify each modification. Language deleted from the permit is striken-out. Language added to the permit is underlined. For purposes of version control, NMED has established the date of these modified pages and attachments as January 30, 2003.

Also enclosed is a CD-ROM containing the modified files in WordPerfect 8 redline/strikeout format as well as files with markings and comments removed. An electronic version of the modified permit with markings removed was publicly posted on the NMED WIPP Information Page at http://www.nmenv.state.nm.us/wipp/download.html and has been available for download since January 30, 2003, in conformance with the NMED Secretary’s Final Order dated December 31, 2002.

NMED will provide full response to all public comments on the DAC modification under separate cover.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz
Attachments — redline/strikeout pages
CD ROM with electronic files

cc w/o Attachments:
Charles Lundstrom, NMED
John Kieling, NMED HWB
Steve Zappe, NMED HWB
Cindy Abeyta, NMED HWB
Laurie King, EPA Region 6
Betsy Forinash, EPA ORIA

cc w/ Attachments
Chuck Noble, NMED OGC
Connie Walker, Trinity Engineering
File: Red WIPP '03
Class 1 Permit Modification Notification

Name Change

Waste Isolation Pilot Plant
Carlsbad, New Mexico

WIPP HWFP #NM4890139088-TSDF

December 9, 2002
Mr. Steve Zappe, Project Leader (WIPP)
Hazardous Waste Permits Program
Hazardous Waste Bureau
New Mexico Environment Department
2905 E. Rodeo Park Drive, Bldg. 1
Santa Fe, NM  87502-6303

Subject: Notification of a Class 1 Permit Modification to the Hazardous Waste Facility Permit for Changing the Corporate Name of the Co-permittee, 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 proposed changes do not compromise worker safety, human health, or the environment. The purpose of this modification is to change the corporate name of the co-permittee from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC.

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.

If you have any questions regarding this submittal, please contact Mr. Jody Plum at (505) 234-7462.

Sincerely,

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

J.L. Lee, General Manager
Westinghouse TRU Solutions LLC

Enclosure
**Hazardous Waste Permit Application**

**Part A**

**I. Facility's EPA ID Number**

- A. First Part A Submission
- B. Revised Part A Submission (Amendment #)

**C. Facility's EPA ID Number**

NM 4890139088

**II. Name of Facility**

WASTE ISOLATION PILOT PLANT

**III. Facility Location**

- **A. Street**
  
  30 MILES EAST OF CARLSBAD

  STREET (Continued)

  JAL HIGHWAY

- **City or Town**
  
  CARLSBAD

- **State**
  
  NM

- **Zip Code**
  
  88220

**IV. Facility Mailing Address**

- **Street**
  
  PO BOX 3090

- **City or Town**
  
  CARLSBAD

- **State**
  
  NM

- **Zip Code**
  
  88220

**V. Facility Contact**

- **Name (Last)**
  
  TRAY INES

- **Job Title**
  
  MANAGER

- **Phone Number (Area Code and Number)**
  
  505-234-7300

**VI. Facility Contact Address**

- **Street or P.O. Box**
  
  PO BOX 3090

- **City or Town**
  
  CARLSBAD

- **State**
  
  NM

- **Zip Code**
  
  88220
RCRA PART A APPLICATION CERTIFICATION

The U.S. Department of Energy (DOE), through its Carlsbad Field Office, has signed as "owner and operator," and WestinghouseWashington TRU Solutions LLC, the Management and Operating Contractor (MOC), has signed this application for the permitted facility as "co-operator."

The DOE has determined that dual signatures best reflect the actual apportionment of Resource Conservation and Recovery Act (RCRA) responsibilities as follows:

The DOE’s RCRA responsibilities are for policy, programmatic directives, funding and scheduling decisions, Waste Isolation Pilot Plant (WIPP) requirements of DOE generator sites, auditing, and oversight of all other parties engaged in work at the WIPP, as well as general oversight.

The MOC’s RCRA responsibilities are for certain day-to-day operations (in accordance with general directions given by the DOE and in the Management and Operating Contract as part of its general oversight responsibility), including, but not limited to, the following: certain waste handling, monitoring, record keeping, certain data collection, reporting, technical advice, and contingency planning.

For purposes of the certification required by Title 20 of the New Mexico Administrative Code, Chapter 4, Part 1 (20.4.1 NMAC), Subpart IX, §270.11(d), the DOE’s and the MOC’s representatives certify, under penalty of law that this document and all attachments were prepared under their direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on their 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 their knowledge and belief, true, accurate, and complete for their respective areas of responsibility. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner and Operator Signature: Original signed by Inés Triay
Title: Manager, Carlsbad Field Office
for: U.S. Department of Energy
Date:

Co-Operator Signature: Original signed by John L. Lee
Title: General Manager
for: WestinghouseWashington TRU Solutions LLC
Date:
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.

Owner Signature

Name and Official Title (Type or print)
Interim R. Tray, Manager, DOE/Carlsbad Field Office

Date Signed

Name and Official Title (Type or print)
Interim R. Tray, Manager, DOE/Carlsbad Field Office

Operator Signature

Name and Official Title (Type or print)
Interim R. Tray, Manager, DOE/Carlsbad Field Office

Date Signed

Section XVIII Operator Signature - "See attached "RCRA Part A Application Certification"

- Date of submittal of clarifying information as requested by NMED, May 28, 1996
- Additional data were submitted on July 9, 1991; November 12, 1992; January 29, 1993; March 2, 1995; May 26, 1995; April 12, 1996; May 29, 1996; April 21, 1999; May 10, 1998; and February 2, 2001

Note: Mail completed forms to the appropriate EPA Regional or State Office. (Refer to instructions for more information)
Enclosure E

Class 2 PMR Approvals To Remove Financial Requirements From the HWFP
August 8, 2000

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

Mr. Joe Epstein, General Manager  
Westinghouse Waste Isolation Division  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

RE: FINAL DETERMINATION, CLASS 2 MODIFICATION REQUESTS  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088

Dear Dr. Triay and Mr. Epstein:

The New Mexico Environment Department (NMED) hereby approves the Class 2 permit modification requests to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau (HWB) in the following documents:

- Request for Class 2 Permit Modifications, Dated 4/7/00, Rec'd 4/10/00
- Request for Class 2 Permit Modifications, Dated 4/20/00, Rec'd 4/24/00

These modifications were processed by NMED in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)). The approved modifications are incorporated in the following attachments:

- Attachment 1 lists the modifications made to the WIPP Hazardous Waste Facility Permit, indicating the location of the modifications within the permit and a brief description of the modifications.
- Attachment 2 is the redline/strikeout version of the permit pages to help the reader rapidly identify the modifications. Language deleted from the permit is stricken-out. Language added to the permit is highlighted.
An additional attachment, containing the clean replacement modules and attachments to the permit affected by these modifications, will be provided under separate cover at a later date.

WIPP is requested to place Attachment 1 in the front of the permit to provide a historical record of modifications (other than Class 1 modifications) to the permit. The effective date of the permit modification approval is your date of receipt of this letter.

For purposes of version control, please note that the date of these modified pages, modules, and attachments has been established as August 8, 2000. These modified pages also include all Class 1 modifications implemented under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)), as identified in the August 4, 2000 administrative completeness determination issued by HWB.

These Class 2 modifications were subject to sixty (60) day public comment periods, which ran from April 12 through June 12, 2000 for the April 7, 2000 submittal, and from April 26 through June 26, 2000 for the April 20, 2000 submittal. Due to public confusion over the appropriate comment deadlines, NMED accepted all comments submitted by the latest deadline. NMED received written comments from twenty-two individuals and organizations during this time. The list of commentors and NMED’s responses to these comments are incorporated in the following attachments:

- **Attachment 3** is a list of commentors, their affiliation, the date their comment was received, and a breakdown of the comment topic areas.
- **Attachment 4** is a spreadsheet providing NMED’s direct response to each comment submitted. This document will be mailed to each individual commentor.
- **Attachment 5** is a general summary of the permit modification requests, the typical comments received, and NMED’s general response to those comments. This document will be mailed to all other individuals and organizations on NMED’s WIPP facility mailing list.
# LIST OF ATTACHMENTS

## A
General Facility Description and Process Information

## B
Waste Analysis Plan

- B1 Waste Characterization Sampling Methods
- B2 Statistical Methods Used in Sampling and Analysis
- B3 Quality Assurance Objectives and Data Validation Techniques for Waste Characterization Sampling and Analytical Methods
- B4 TRU Mixed Waste Characterization Using Acceptable Knowledge
- B5 Quality Assurance Project Plan Requirements
- B6 Waste Isolation Pilot Plant Permittees' Audit and Surveillance Program

## C
Security

## D
Inspections

- D1 Inspection Sheets, Logs, and Instructions for Systems/Equipment Requiring Inspection

## E
Procedures to Prevent Hazards

## F
RCRA Contingency Plan

## G
Traffic Patterns

## H
Personnel Training

- H1 RCRA Hazardous Waste Management Job Titles and Descriptions
- H2 Training Course and Qualification/Certification Card Outlines

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  - I1-G Technical Specifications
  - I1-H Design Drawings
- I2 Shaft Sealing System Compliance Submittal Design Report
  - I2-A Material Specifications
  - I2-B Shaft Sealing Construction Procedures
  - I2-E Design Drawings
- I3 Radiological Surveys to Indicate Potential Hazardous Waste Releases

## J
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- J1 Active Institutional Controls

## K
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Notice of RCRA Class 1 Permit Modifications in Accordance with 20.4.1.900 NMAC (incorporating 40 CFR Part 270)

Waste Isolation Pilot Plant
Carlsbad, New Mexico

September 21, 2000
Item 10

Description:
Remove an additional reference to the financial assurance requirements.

Basis:
This modification will remove an additional reference to the financial assurance requirements which have been revised by NMED.

Discussion:
The NMED recently removed all financial assurance/liability requirements from the Permit. One reference was inadvertently left in place. This modification removes that reference.

Revised Permit Text:

All other documents required by Module I, Permit Condition I.E.10, and Module II,.
Class 1* Permit Modification Request

Change in Operation

Waste Isolation Pilot Plant
Carlsbad, New Mexico

WIPP HWFP #NM4890139088-TSDF

February 27, 2003
CERTIFICATION STATEMENT

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 fines and imprisonment for knowing violations.

S. D. Warren, President  
Washington TRU Solutions LLC

Dr. Inés Triay, CBFO Manager  
U. S. Department of Energy
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Transmittal Letter

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Enclosures
## Acronyms and Abbreviations

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<td>WTS</td>
<td>Westinghouse TRU Solutions LLC and Washington TRU Solutions LLC</td>
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Overview of the Permit Modification Request

This document contains one Class 1* Permit Modification Request (PMR) 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.

This PMR is being submitted by the U.S. Department of Energy (DOE), Carlsbad Field Office (CBFO) and Washington TRU Solutions LLC (WTS), 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) §270.40(a)). The PMR documents any changes in the operation and the history of the management and operating contractor’s (MOC) change of ownership, name, and/or organization since 1997. This change does not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modification to the WIPP HWFP and related supporting documents are provided in this PMR. 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 Request
<table>
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<th>Affected Permit Section</th>
<th>Item</th>
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<td>1</td>
<td>a.1. Attachment A</td>
<td>To delineate the changes which have occurred relevant to the MOC at the WIPP facility.</td>
<td>A-3</td>
</tr>
</tbody>
</table>
Item 1

Description:
The PMR documents the history of the MOC’s change in operations including changes of ownership, name, and/or organization since 1997. This modification will provide the changes required to amend Attachment A of the HWFP, in chronological order.

Basis:
This PMR documents changes that occurred since 1997 that are related to the MOC. Notifications related to these changes including letters and permit modifications have been previously submitted to the NMED. This modification is being submitted as a Class 1* as defined in 20.4.1.900 NMAC (incorporating 40 CFR § 270.42(a)).

Discussion:

Changes Occurring Prior to Issuance of the HWFP

Prior to the issuance of the HWFP the following changes occurred relevant to the MOC:

• December 18, 1997 - Change of name/ownership of the applicant from Westinghouse Electric Corporation to CBS Corporation. Westinghouse Waste Isolation Division became a division of Westinghouse Electric Company, a division of CBS corporation.
• September 17, 1998 - Transfer of ownership for the MOC, Westinghouse Waste Isolation Division, from CBS Corporation to a joint venture of British Nuclear Fuels and Morrison-Knudsen Corporation
• March 2, 1999 - Pending Change of name/ownership from MK/BNFL,GESCO LLC to Westinghouse Government Environmental Services (WGES)
• March 24, 1999 - Official notification of the divestiture of Westinghouse Electric Company from CBS Corporation to MK/BNFL GESCO LLC to WGES

Since the HWFP had not been issued at the time of these changes there was no mechanism by which a permit modification could be made. Therefore the notifications were made by letter and a revised Part A Permit Application was Submitted on April 21, 1999 (Enclosure A). The final change described above (change of name from MK/BNFL GESCO, LLC to WGES) was not included in the HWFP issued by NMED in October, 1999, after the notification letter. Therefore, a Class 1 permit modification notification was submitted to the NMED on July 20, 2000. This permit modification was deemed administratively complete by the NMED on August 31, 2001 (Enclosure B).

These changes are delineated in the Attachment A chronology as having occurred prior to permit issuance.

Changes Occurring After Issuance of the HWFP

The WIPP MOC contract was rebid in 2000 and the Department of Energy announced publicly on October 12, 2000 that Westinghouse TRU Solutions, LLC was the successful offeror. This change did not take effect until February 1, 2001. To comply with the requirements of 20.4.1.900 NMAC (incorporating 40 CFR § 270.42, Appendix I), a Class 1 permit modification was submitted to the NMED on February 2, 2001, of which WGES serves as the managing member. This modification was deemed administratively complete by NMED on August 31, 2001 (Enclosure C).
Finally, on December 27, 2002 the Permittees submitted a Class 1 modification to change the corporate name of the co-permittee from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. This change was deemed administratively complete by the NMED on February 6, 2003 (Enclosure D).

Financial Requirements

This PMR does not address the financial requirements described in 20.4.1.900 NMAC (incorporating 40 CFR § 270.40(b)) because these requirements do not apply. On August 8, 2000 the NMED removed the references to financial requirements (Attachment K) of the HWFP. One reference was missed by the NMED when they issued the revised permit text. A Class 1 modification was submitted on September 21, 2000 which was subsequently approved by NMED on August 31, 2001 which removed the last reference in the HWFP to financial assurance requirements (Enclosure E).

Revised Permit Text:

a. 1. Permit Attachment A

ATTACHMENT A

GENERAL FACILITY DESCRIPTION AND PROCESS INFORMATION

1 A-1 Facility Description

2 Abstract

3 NAME OF FACILITY: Waste Isolation Pilot Plant

4 OWNER and CO-OPERATOR: U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

5 CO-OPERATOR: Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, NM 88221

10 RESPONSIBLE OFFICIALS: Inés Triay, Manager
DOE/Carlsbad Field Office

A-4
Dr. Steven Warren, President
Washington TRU Solutions LLC

FACILITY MAILING ADDRESS: U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

FACILITY LOCATION: 30 miles east of Carlsbad on the Jal Highway, in Eddy County.

TELEPHONE NUMBER: 505/234-7300

U.S. EPA I.D. NUMBER: NM4890139088

GEOGRAPHIC LOCATION: 32° 22’ 30” N
103° 47’ 30” W

DATE OPERATIONS BEGAN: November 26, 1999
A-2  Description of Activities

The Waste Isolation Pilot Plant (WIPP) is a facility for the management, storage and disposal of transuranic (TRU) mixed waste. Only contact-handled (CH) TRU mixed waste is permitted for storage or disposal at the WIPP facility. No remote-handled (RH) TRU mixed waste will be accepted at the facility under this permit.

A-3  Property Description

The WIPP facility has been divided into functional areas. The Property Protection Area (PPA), surrounded by a chain-link security fence, encompasses 34.16 acres and provides security and protection for all major surface structures. The DOE Off Limits Area encloses the PPA, and is approximately 1,454 acres. These areas define the DOE exclusion zone within which certain items and material are prohibited. The final zone is marked by the WIPP Site Boundary (WIPP land withdrawal area) a 16-section Federal land area under the jurisdiction of the DOE.

A-4  Facility Type

There are three basic groups of structures associated with the WIPP facility: surface structures, shafts and underground structures. The surface structures accommodate the personnel, equipment, and support services required for the receipt, preparation, and transfer of TRU mixed waste from the surface to the underground. There are two surface locations where TRU mixed waste will be managed. The first includes a portion of the Waste Handling Building (WHB), of which 33,175 square feet is designated as the WHB Container Storage Unit (WHB Unit) for TRU mixed waste management. The second area designated for managing TRU mixed waste is the Parking Area Container Storage Unit (Parking Area Unit), an outside container storage area which extends south from the WHB to the rail siding. The Parking Area Unit provides storage space for up to 12 loaded Contact Handled Packages on an asphalt and concrete surface encompassing approximately 115,000 square feet.

Four vertical shafts connect the surface facility to the underground. These are the Waste Shaft, the Salt Handling Shaft, the Exhaust Shaft and the Air Intake Shaft. The Waste Shaft is the only shaft used to transport TRU mixed waste to the underground. The WIPP underground structures are located in a mined salt bed 2,150 feet below the surface.

The underground structures include the underground Hazardous Waste Disposal Units (HWDUs), an area for future underground HWDUs, the shaft pillar area, interconnecting tunnels and other areas unrelated to the RCRA Hazardous Waste Permit. The underground HWDUs are defined as waste panels, each consisting of seven rooms and two access drifts. The WIPP underground area is designated as Panels 1 through 10, although only Panels 1 through 3 will be used under the terms of this permit. Each of the seven rooms is approximately 300 feet long, 33 feet wide and 13 feet high.

A-5  Waste Description

Wastes destined for WIPP are byproducts of nuclear weapons production and have been identified in terms of waste streams based on the processes that produced them. Each waste
stream identified by generators is assigned to a Waste Summary Category to facilitate RCRA waste characterization, and reflect the final waste forms acceptable for WIPP disposal.

These Waste Summary Categories are:

**S3000—Homogeneous Solids**
Solid process residues defined as solid materials, excluding soil, that do not meet the applicable regulatory criteria for classification as debris [20.4.1.800 NMAC, (incorporating 40 CFR §268.2(g) and (h))]. Solid process residues include inorganic process residues, inorganic sludges, salt waste, and pyrochemical salt waste. Other waste streams are included in this Waste Summary Category based on the specific waste stream types and final waste form. This category includes wastes that are at least 50 percent by volume solid process residues.

**S4000—Soils/Gravel**
This waste summary category includes waste streams that are at least 50 percent by volume soil. Soils are further categorized by the amount of debris included in the matrix.

**S5000—Debris Wastes**
This waste summary category includes waste that is at least 50 percent by volume materials that meet the NMAC criteria for classification as debris (20.4.1.800 NMAC (incorporating 40 CFR §268.2)). Debris means solid material exceeding a 2.36 inch (60 millimeter) particle size that is intended for disposal and that is: 1) a manufactured object, 2) plant or animal matter, or 3) natural geologic material.

The S5000 Waste Summary Category includes metal debris, metal debris containing lead, inorganic nonmetal debris, asbestos debris, combustible debris, graphite debris, heterogeneous debris, and composite filters, as well as other minor waste streams. Particles smaller than 2.36 inches in size may be considered debris if the debris is a manufactured object and if it is not a particle of S3000 or S4000 material.

If a waste does not include at least 50 percent of any given category by volume, characterization shall be performed using the waste characterization process required for the category constituting the greatest volume of waste for that waste stream.

Wastes may be generated at the WIPP facility as a direct result of managing the TRU and TRU mixed wastes received from the off-site generators. Such waste may be generated in either the WHB or the underground. This waste is referred to as "derived waste." All such derived waste will be placed in the rooms in HWDUs along with the TRU mixed waste for disposal.

Non-mixed hazardous wastes generated at the WIPP, through activities where contact with TRU mixed waste does not occur, are characterized, placed in containers, and stored (for periods not exceeding the limits specified in 20.4.1.300 NMAC (incorporating 40 CFR §262.34)) until they are transported off site for treatment and/or disposal at a permitted facility. This waste generation and accumulation activity, when performed in compliance with 20.4.1.300 NMAC (incorporating 40 CFR §262), is not subject to RCRA permitting requirements and, as such, is not addressed in the permit.
December 18, 1997  Change of name/ownership from Westinghouse Electric Corporation to CBS Corporation. Westinghouse Waste Isolation Division became a division of Westinghouse Electric, a division of CBS Corporation. Notification to the NMED was made as the permit applicant by letter dated December 18, 1997. The permit was not yet issued.

September 17, 1998  Transfer of ownership for the MOC, Westinghouse Waste Isolation Division, from CBS Corporation to British Nuclear Fuels and Morrison-Knudsen Corporation known as MK/BNFL GESCO LLC. Notification to the NMED was made as the permit applicant by letter dated September 17, 1998. The permit was not yet issued.

March 2, 1999  Pending change of name/ownership from MK/BNFL GESCO LLC to Westinghouse Government Environmental Services Company LLC. Notification to the NMED was made as the permit applicant by letter dated March 2, 1999. The permit was not yet issued.

March 24, 1999  Official notification of the divestiture of Westinghouse Electric Company from CBS Corporation to MK/BNFL GESCO LLC. Notification to the NMED was made as the permit applicant by letter dated March 24, 1999. The permit was not yet issued.

April 21, 1999  Revised Part A Permit Application was submitted reflecting that the Westinghouse Waste Isolation Division, co-operator of the WIPP hazardous waste facility, was now a part of the Westinghouse Government Environmental Services Company LLC.

July 20, 2000  Class 1 permit modification submitted to the NMED changing the name in the HWFP from Westinghouse Electric Corporation to Westinghouse Government Environmental Services Company LLC (WGES), Waste Isolation Division (WID). This modification was deemed administratively complete by the NMED on August 31, 2001.

August 8, 2000  New permit issued by the NMED which removed references to Financial Requirements (Attachment K).

September 21, 2000  Class 1 permit modification submitted to the NMED which removed a reference to financial assurance/liability from Module II which was inadvertently left in the permit when the NMED issued the new permit on August 31, 2000. This modification was deemed administratively complete by the NMED on August 31, 2001.

January 29, 2001  Class 1 permit modification submitted to the NMED by letter dated February 2, 2001 which changed the name of the MOC from Westinghouse Government Environmental Services Company LLC (WGES), Waste Isolation Division (WID) to Westinghouse TRU Solutions
This modification was deemed administratively complete by NMED on August 31, 2001.

December 27, 2002 Class 1 permit modification submitted to the NMED which changed the name of the MOC from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. This modification was deemed administratively complete by the NMED on February 6, 2003.
Enclosure A

Notifications and Part A Prior to Issuance of the HWFP
Mr. Mark E. Weidler, Secretary  
New Mexico Environment Department  
Harold Runnels Building  
P.O. Box 26110  
Santa Fe, NM 87502

Subject: WASTE ISOLATION PILOT PLANT RCRA PART A AND RCRA PART B NOTIFICATION OF WESTINGHOUSE ELECTRIC CORPORATION'S NAME CHANGE

Dear Mr. Weidler:

The purpose of this letter is to inform you that Westinghouse Electric Corporation has changed its name to CBS Corporation. The Westinghouse Waste Isolation Division is now a division of Westinghouse Electric Company, a division of CBS Corporation. Please accept this letter as notification for purposes of the WIPP Part A and Part B hazardous waste permit applications, which Westinghouse signed as co-operator at the U.S. Department of Energy’s Waste Isolation Pilot Plant (WIPP).

If you have any questions or require additional information, please call me at (505) 234-8200 or Ms. Gloria Barnes at (505) 234-7377.

Very truly yours,

Joseph L. Epstein, General Manager  
Westinghouse Waste Isolation Division  
Westinghouse Electric Company

GJB:ss

cc: Benito Garcia, NMED  
Susan McMichael, NMED  
George Dials, CAO  
Cooper Wayman, CAO  
Mike McFadden, CAO  
Craig Snider, CAO
September 17, 1998

Dr. Ed Kelley, Director
Water and Waste Management Division
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110

Re: Hazardous Waste Permit Application NM 4890139088
  U.S. Department of Energy, Waste Isolation Pilot Plant
  Co-Permittee and Co-Operator, Westinghouse Electric Corporation
  Waste Isolation Division - 90-Day Notification of Pending Transfer

Dear Dr. Kelley:

Pursuant to the 90-day notification requirements of 40 CFR 270.40 and 20 NMAC 4.1, Section 900, this letter is to inform you that CBS Corporation, doing business as Westinghouse Electric Company, will be divesting the Westinghouse Waste Isolation Division, prime contractor for the U.S. Department of Energy Waste Isolation Pilot Plant located in Carlsbad, New Mexico. The divestiture, which is scheduled to occur on or about December 15, 1998, will involve the transfer of Westinghouse Electric Company’s responsibilities as Co-Permittee and Co-Operator under the referenced Hazardous Waste Permit Application. The transferee will be a limited liability company owned jointly by British Nuclear Fuels, plc and Morrison-Knudsen Corporation. Accordingly, the Hazardous Waste Permit Application will need to be modified to reflect the pending change in Co-Permittee and Co-Operator.

Please note that the U.S. Department of Energy will remain the Facility Owner, Co-Permittee and Operator of the Waste Isolation Pilot Plant.

We will contact you as soon as the legal name of the new British Nuclear Fuels/Morrison Knudsen entity has been established and the date of the divestiture has been determined. At that time we will be able to submit the necessary permit modification documents. In the interim, if you have any questions or require additional information, please call me at (412) 642-4657 or Mr. Thomas Touri at (412) 642-5855.

Very truly yours,

Jody Noble, Counsel

cc: Joe Epstein (WID)
    Gloria Barnes (WID)
    Mike McFadden (DOE)
    Cooper Wayman (DOE)
    Susan McMichael (NMED)
March 2, 1999

Dr. Ed Kelley, Director
Water and Waste Management Division
New Mexico Environment Department
PO Box 26110
Santa Fe, NM 87502-6110

Re: Hazardous Waste Permit Application NM 4890139088
US Department of Energy, Waste Isolation Pilot Plant
Notice of Pending Transfer of Co-Permittee and Co-Operator
CBS Corp./Westinghouse Electric Corp., Waste Isolation Division

Dear Dr. Kelley:

This letter serves as notice of the pending transfer of Westinghouse Electric Corporation's Co-Permittee and Co-Operator responsibilities under the referenced Hazardous Waste Permit Application. The planned December 15, 1998 divestiture of the Westinghouse Waste Isolation Division that was described in a September 17, 1998 letter submitted by CBS Corporation (doing business as Westinghouse Electric Corporation), has not yet occurred; the anticipated closing date of the sale transaction is March 19, 1999. On that date, MK/BNFL GESCO LLC, a limited liability company owned jointly by British Nuclear Fuels, plc and Morrison Knudsen Corporation, will purchase the Westinghouse Waste Isolation Division, the prime contractor for the US Department of Energy Waste Isolation Pilot Plant located in Carlsbad, New Mexico. MK/BNFL GESCO LLC will be renamed Westinghouse Government Environmental Services Company LLC on the closing date. Accordingly, the Hazardous Waste Permit Application will need to be modified to reflect the new Co-Permittee and Co-Operator, Westinghouse Government Environmental Services Company LLC. We will contact you as soon as possible if the pending divestiture and the date of the requested Application modification will be postponed.

Please note that the US Department of Energy will remain the Facility Owner, Co-Permittee and Operator of the Waste Isolation Pilot Plant.

If you have any questions or require additional information, please call Jody Noble at (412) 642-4657.

Very truly yours,

CBS CORPORATION

Jody Noble
Counsel

MK/BNFL GESCO LLC

Jonathan M. Robertson
Secretary

cc: Joe Epstein (WID)
    Gloria Barnes (WID)
    Mike McFadden (DOE)
    Cooper Wayman (DOE)
    Susan McMichael (NMED)
Mr. Peter Maggiore, Secretary  
New Mexico Environment Department  
Harold Runnels Building  
P.O. Box 26110  
Santa Fe, NM 87502

Subject: WASTE ISOLATION PILOT PLANT HAZARDOUS WASTE RESOURCE CONSERVATION AND RECOVERY ACT PART A AND PART B PERMIT APPLICATIONS: NOTIFICATION OF SALE OF THE WESTINGHOUSE WASTE ISOLATION DIVISION

Dear Mr. Maggiore:

The purpose of this letter is to provide official notification that the divestiture of Westinghouse Electric Company from the CBS Corporation has been completed, effective March 22, 1999. The Westinghouse Electric Company has been purchased by MK/BNFL GESCO LLC, a limited liability company owned jointly by Morrison Knudsen Corporation (MK) and British Nuclear Fuels (BNFL) through its wholly owned BNFL U.S. subsidiary company, BNFL Nuclear Services Inc. (BNSI). The MK/BNFL GESCO LLC has been renamed Westinghouse Government Environmental Services Company LLC (WGES). WGES will include the existing Westinghouse divisions providing environmental and remediation services, including the Westinghouse Waste Isolation Division (WID) management and operating contractor at the United States (U.S.) Department of Energy’s (DOE’s) Waste Isolation Pilot Plant (WIPP) located in Carlsbad, New Mexico. Under the new ownership structure, senior managers of the Westinghouse WID will maintain their current positions.

Please accept this letter as notification for purposes of the WIPP Part A and Part B Hazardous Waste Permit Applications, which Westinghouse signed as Co-Operator. We intend to file a revised Part A Permit Application reflecting this new status. If you require revision of other documents related to the Part A and Part B Permit Applications, please let us know.
Mr. Peter Maggiore

Please note that the U.S. DOE will remain the Owner, Co-Permittee and Operator of the WIPP.

If you have any questions or require additional information, please contact Ms. Gloria Barnes at (505) 234-7377.

Sincerely,

J. L. Epstein
General Manager

cc: K. Klein, CAO
M. McFadden, CAO
C. Wayman, CAO
T. Przybylek, DOE/AL
B. Garcia, NMED
G. Lewis, NMED
S. McMichael, NMED
Mr. Peter Maggiore, Secretary  
New Mexico Environment Department  
Harold Runnels Building  
P.O. Box 26110  
Santa Fe, NM 87502  

Subject: WASTE ISOLATION PILOT PLANT HAZARDOUS WASTE RESOURCE CONSERVATION AND RECOVERY ACT PART A PERMIT APPLICATION  

Dear Mr. Maggiore:  

Pursuant to the letters sent to you on September 17, 1998, and March 2 and March 24, 1999, enclosed is a revised Part A Permit Application for the Waste Isolation Pilot Plant (WIPP). Revision of this document reflects the following:  

1. That the Westinghouse Waste Isolation Division, co-operator of the WIPP hazardous waste facility, is now a part of the Westinghouse Government Environmental Services Company LLC (WGES);  

2. That Mr. Keith Klein is presently the acting manager at the U.S. Department of Energy's Carlsbad Area Office; and  

3. That minor clarifications have been made to the narratives on pages 3 of 7 and 7 of 7.  

If you have any questions or require additional information, please contact us.  

Sincerely,  

K. A. Klein, Acting Manager  
Carlsbad Area Office  

J. L. Epstein, General Manager  
Westinghouse Waste Isolation Division  

cc: M. McFadden, CAO  
    C. Wayman, CAO  
    T. Przybyle, DOE/AL  
    B. Garcia, NMED  
    G. Lewis, NMED  
    S. McMichael, NMED  

CAO:AOC:CHW:99-0709 UFC5486.00
Enclosure B

Class 1 PMN dated July 20, 2000 and Related Information
Notice of RCRA Class 1 Permit Modification
in Accordance with 20.4.1.900 NMAC
(including 40 CFR Part 270)

Waste Isolation Pilot Plant
Carlsbad, New Mexico

July 20, 2000
**Item 11**

**Description:**
Revise the permit to include correct corporate references and management personnel and to correct a reference to the NMAC in Attachment B-3b.

**Basis:**
Revise the permit to include correct corporate references and management personnel.
Changes in corporate affiliation were identified to NMED previously by letter. A reference to Section 261 of the NMAC is incorrectly referred to as 4.1.500 instead of 4.1.200.

**Discussion:**
The change is informational in nature and is therefore a Class 1 change.

**Revised Permit Text:**

a. 1. Module I

The Secretary of the New Mexico Environment Department (Secretary) issues this Permit to the United States Department of Energy (DOE), the owner and co-operator of the Waste Isolation Pilot Plant (WIPP) (EPA I.D. Number NM 4890139088), and the Waste Isolation Division (WID) of Westinghouse Electric Corporation Environmental Services Company LLC, a division of CBS Corporation; the co-operator of WIPP. This Permit authorizes DOE and WID (the Permittees) to manage, store, and dispose contact-handled transuranic (TRU) mixed waste at WIPP, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§74-4-1 et seq. (Repl. Pamp. 1993) and the New Mexico Hazardous Waste Regulations, 20. NMAC 4.1.100 NMAC et seq.


"Permittees" means the United States Department of Energy (DOE), an agency of the Federal government, and the owner and co-operator of the WIPP facility; and the Waste Isolation Division of Westinghouse Electric Corporation Environmental Services Company LLC (WID), a division of CBS Corporation; and the co-operator of the WIPP facility.

b. Attachment A-1 Facility Description

**Abstract**

**NAME OF FACILITY:** Waste Isolation Pilot Plant

**OWNER and CO-OPERATOR:** U.S. Department of Energy

P.O. Box 3090

Carlsbad, NM 88221

**CO-OPERATOR:** Westinghouse Electric Corporation Environmental Services Company, LLC

Waste Isolation Division

P.O. Box 2078

Carlsbad, NM 88221

**RESPONSIBLE OFFICIALS:**

Keith Kleinin, Manager

DOE/Carlsbad Area Office

Joseph L. Epstein, General Manager

Westinghouse Electric Corporation Environmental Services Company, LLC

**FACILITY MAILING ADDRESS:**

U.S. Department of Energy

P.O. Box 3090

Carlsbad, NM 88221

**FACILITY LOCATION:**

30 miles east of Carlsbad on the Jal Highway, in Eddy County.
c. Attachment B-3b

Acceptable knowledge (AK) is used in TRU mixed waste characterization activities in three ways:

- To delineate TRU mixed waste streams
- To assess whether TRU mixed heterogenous debris wastes exhibit a toxicity characteristic (20. NMAC 4.1.569200 NMAC, incorporating 40 CFR §261.24)
- To assess whether TRU mixed wastes are listed (20. NMAC 4.1.569200 NMAC, incorporating 40 CFR §261.31)

d. 1. Attachment I1 List of Abbreviations/Acronyms

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<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>ACI</td>
<td>American Concrete Institute</td>
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<tr>
<td>AISC</td>
<td>American Institute for Steel Construction</td>
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<td>cm</td>
<td>centimeter</td>
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<tr>
<td>°F</td>
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<td>U.S. Department of Energy</td>
</tr>
<tr>
<td>DRZ</td>
<td>disturbed rock zone</td>
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<tr>
<td>EEP</td>
<td>Excavation Effects Program</td>
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<tr>
<td>ESC</td>
<td>expansive salt-saturated concrete</td>
</tr>
<tr>
<td>FLAC</td>
<td>Fast Lagrangian Analysis of Continua</td>
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<td>GPR</td>
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<td>sodium chloride</td>
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<td>pound(s) per square inch</td>
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<td>transuranic</td>
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<td>volatile organic compound(s)</td>
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<td>Waste Isolation Pilot Plant</td>
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d. 2. Attachment I1 Executive Summary

**Scope.** Under contract to Westinghouse Electric Corporation (Westinghouse) now Westinghouse Government Environmental Services Company, LLC, Waste Isolation Division (WID), IT Corporation has prepared a detailed design of a panel-closure system for the Waste Isolation Pilot Plant (WIPP). Preparation of this detailed design of an operational-phase closure system is required to support a Resource Conservation and Recovery Act (RCRA) Part B permit application. This report describes the detailed design for a panel-closure system specific to the WIPP site. The recommended panel-closure system will adequately isolate the waste-emplacement panels for at least 35 years.

e. 1. Attachment I1G Section 01010- Summary of Work
Abbreviations/Acronyms

ACI  American Concrete Institute
AISC  American Institute for Steel Construction
ANSI  American National Standards Institute
ASTM  American Society for Testing and Materials
AWS   American Welding Society
CFR   Code of Federal Regulations
DOE   U.S. Department of Energy
DRZ   Disturbed rock zone
EPA   U.S. Environmental Protection Agency
MB 139 Marker Bed 139
MSHA  U.S. Mine Safety and Health Administration
NMAC  New Mexico Administrative Code
NMED  New Mexico Environment Department
RCRA  Resource Conservation and Recovery Act
SMC   Salado Mass Concrete
USACE U.S. Army Corps of Engineers
Westinghouse Westinghouse Electric Corporation Government Environmental Services Company, LLC
WID   Waste Isolation Division
WIPP  Waste Isolation Pilot Plant

e. 2. Attachment I1G Section 01090 - Reference Standards

WID   Westinghouse Electric Corporation Government Environmental Services Company, LLC
       Waste Isolation Division
       Carlsbad, New Mexico 88221
August 31, 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 Completeness Determination, Class 1 notifications
WIPP Hazardous Waste Facility Permit
EPA I.D. Number NM4890139088

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) acknowledges receipt of numerous notifications of Class 1 permit modifications and requests for Class 2 permit modifications to the WIPP Hazardous Waste Facility Permit. NMED did not review the following documents for administrative completeness because the Permittees subsequently withdrew them:

- Request for Class 2 Permit Modifications and Temporary Authorization, Dated 7/21/00, Rec'd 7/26/00
- Notification of Class 1 Permit Modifications, Dated 11/13/00, Rec'd 11/18/00

NMED has reviewed the following submittal, but is deferring administrative action on it until a later date:

- Notification of Class 1 Permit Modifications, Dated 7/21/00, Rec'd 7/25/00

The specific submittals reviewed for administrative completeness are as follows:

- Notification of Class 1 Permit Modifications, Dated 3/30/00, Rec'd 4/6/00
- Notification of Class 1 Permit Modifications, Dated 6/23/00, Rec'd 6/28/00
- Notification of Class 1 Permit Modifications (Retrofit), Dated 7/21/00, Rec'd 7/25/00
- Notification of Class 1 Permit Modifications, Dated 8/8/00, Rec'd 8/11/00
- Submittal of Panel 2 Certification of Construction, Notification of Class 1 Permit Modifications, Dated 9/14/00, Rec'd 9/19/00
- Notification of Class 1 Permit Modifications, Dated 9/21/00, Rec'd 9/25/00
- Notification of Class 1 Permit Modifications, Dated 11/1/00, Rec'd 11/6/00
- Notification of Class 1 Permit Modifications, Dated 11/28/00, Rec'd 12/4/00
- Notification of Class 1 Permit Modifications, Dated 12/12/00, Rec'd 12/14/00
- Notification of Class 1 Permit Modifications, Dated 1/29/01, Rec'd 2/5/01
- Notification of Class 1 Permit Modifications, Dated 3/6/01, Rec'd 3/8/01

NMED has reviewed this last list of documents and determined that they are
administratively complete. With the exceptions of those modifications identified in Attachment 1 as being either withdrawn, rejected, or accepted with changes, all other modifications identified in the Notices of Class 1 Modification listed above as being administratively complete have been put into effect as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)). Attachment 2 is a list of figures and other items for which the Permittees must submit clean copies for inclusion in the Permit.

Although NMED has determined the above submittals to be administratively complete, it is concerned with the adequacy of the notice of Class 1 modifications to the facility mailing list required of the Permittees under 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(ii)). NMED Secretary Peter Maggiore received a letter dated June 25, 2001 from Don Hancock of Southwest Research and Information Center (Attachment 3) alleging that the September 18, 2000 notice mailed to the facility mailing list regarding the "Class 1 Modifications Summary June 21, July 20, July 21, and August 8" did not constitute proper notice. NMED believes that the public notice required under §270.42(a)(1)(ii) should, minimally, contain a complete and accurate description of the modification sufficient to notify the public of the change and seek review by the Secretary. 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(iii)). The Permittees should exercise greater care in developing public notices for Class 1 modifications to ensure they contain sufficiently detailed descriptions of the modifications.

The New Mexico Hazardous Waste Fee Regulations require assessment of fees when administrative review of a document is complete, as specified in 20.4.2.301 NMAC. NMED will issue an invoice to you under a separate letter. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

Attachments:

Attachment 1 - General comments
Attachment 2 - Request for specific figures and items for incorporation into Permit
Attachment 3 - June 25, 2000 letter from Don Hancock, SRIC to Secretary Peter Maggiore, NMED

cc: Greg Lewis, NMED WWMD
     James Bearzi, NMED HWB
     Steve Zappe, NMED HWB
     Cindy Abeyta, NMED HWB
     Susan McMichael, NMED OGC
     David Neleigh, EPA Region 6

http://www.nmenv.state.nm.us/wipp/admincompl0801.html 1/23/02
July 20, 2000 Notice of Class 1 Permit Modifications

Item 2.b The Permittees withdrew this modification request in a letter received by NMED on August 29, 2001.

Item 2.c.2 The Permittees withdrew this modification request in a letter received by NMED on August 29, 2001.

Item 2.d The change specified in the notification proposed modifying the text to include additional allowable waste containers. The modification includes the direct loading of ten-drum overpack (TDOP) containers and 85-gallon drums (rather than just using them as overpack drums) and the addition of 100-gallon drums. NMED rejected this as a Class 1 modification in a separate administrative action in a letter dated August 30, 2001.

Item 3.a.1 Replacing the symbol for part (§) with the word "Part" in this single instance is inconsistent with every other occurrence in the permit. This change was not incorporated. The Permittees also need to correct the web version of this modification, since it includes both the word "Part" and the symbol "§".

Item 3.a.7 See Item 3.a.1. This change was not incorporated.

Item 3.a.8 The Table of Contents for the Permit has also been modified to correct the name of Attachment E.

Item 3.a.10 Several other occurrences of "underground HWMU" were located and changed in Attachment I.

Item 10.b The change specified in the notification proposed correcting a typographical error supposedly introduced as a result of implementing the January 25, 2000 Item 8.b modification. This proposed change is unnecessary, since NMED's version of the Permit has this word correctly spelled. However, the Permittees might want to change the annotation to their online version of the Permit to indicate the correct date of the original modification (January 25, not March 28, 2000).

Item 11.b NMED has taken this opportunity to change the format of NMAC citations (e.g., from 20 NMAC 4.1.500 to 20.4.1.500 NMAC) throughout the entire Permit. The incorrect citation has also been fixed.

Item 12.b The Permit has been constructed such that modules can reference specific sections in attachments, but attachments do not reference specific permit conditions. Therefore, the reference in this modification has been reduced to Module II, not Module II.C.3. Furthermore, NMED has eliminated a subsequent definition of TSDF-WAC at the end of the Introduction of Attachment B, leaving only the acronym.

Item 12.c There is no need to change the acronym for the US Environmental Protection Agency from EPA to USEPA, since it is clearly defined in the introduction to Attachment B. Any changes from "EPA" to "USEPA" have not been incorporated. This also applies to Items 12.d and 12.e.

Also, each occurrence of "Hazardous Waste Code" in this paragraph and in section B-4b(1)
Class 1 Modifications Summary
June 21, July 20, July 21, and August 8

The following is a summary of the Class 1 Modifications submitted to the New Mexico Environment Department (NMED) since June 21, 2000.

June 21, 2000

Removed Fourier Transform Infra-Red (FTIR) method-specific language from the Permit, as there are several on-line sampling methods authorized by the Permit.

July 20, 2000

1. Several changes were made per the NMED’s direction regarding the Class 1 Modifications submitted on November 10, November 15, November 30, 1999; January 7 and January 25, 2000.

2. Included 100-gallon drums as approved waste management containers.

3. Procedures were updated as a result of the annual review.

4. Changed a procedure to make it specific the groundwater monitoring program.

5. Several figures were updated to reflect internal modifications.

6. Inspection forms were updated to remove unnecessary information, to reflect updated information, and to make minor corrections.

7. Changes were made to update general information regarding the Permittees.

8. A change was made to allow generators to also identify waste by unique state hazardous waste codes.

9. References to the Waste Stream Profile Form were corrected.

10. Revisions were made to allow compositing of headspace gas samples.

11. Leak testing requirements for canisters used for headspace gas sampling were clarified.

July 21, 2000

Revised the Permit attachment text that establishes reporting requirements to eliminate inconsistencies, reporting overlaps, and to clarify requirements.

August 8, 2000

1. Added room-based VOC emission rate limits.

2. Revised Attachment M1 to clarify the use of filter vents.
Enclosure C

Class 1 PMN dated January 29, 2001 and Related Information
DOENews

NEWS MEDIA CONTACTS:
Tom Welch, 202/586-4316
Dennis Hurtt (Carlsbad), 505/234-7327

FOR IMMEDIATE RELEASE
December 15, 2000

After Review, DOE Competitively Awards Contract For the Management of Waste Isolation Pilot Plant

Secretary of Energy Bill Richardson today announced that the Energy Department has awarded a $500 million, five-year contract for the management and operation of the Department’s Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, to Westinghouse TRU Solutions LLC. The award was made after the department rescinded an initial contract decision in October to allow the two initial offerors an opportunity to submit final revised proposals.

“Selection of TRU Solutions marks a new phase in full-scale WIPP operations, and the contract will ensure continued safe, effective and efficient operations of WIPP,” said Secretary Richardson. “We are confident that TRU Solutions will demonstrate a strong community presence in Southeast New Mexico concurrent with proving outstanding management and vision in implementing a final solution to the Nation’s transuranic waste legacy.”

On October 12, the Department announced that it had selected Westinghouse TRU Solutions as the successful offeror for managing and operating the WIPP facility. However, prior to signing the contract, Westinghouse TRU Solutions notified the Department of a change in its proposal that led the Department to rescind the selection to permit discussions with the two competing offerors. In late November, two final revised proposals were submitted for consideration and review.

-More-
Westinghouse TRU Solutions LLC, based in Carlsbad, was formed by Westinghouse Government Environmental Services Company LLC and Roy F. Weston, Inc. Key features of the contract include a five-year base period of performance with an option for an additional five years and a requirement to retain the current workforce at comparable pay and benefits. The Department received two strong proposals to perform the contract, one from TRU Solutions and another from Day and Zimmermann WIPP LLC.

After a brief transition period, the new contractor will assume responsibility for operations of the facility on February 1, 2000. Westinghouse Waste Isolation Division holds the current contract and has been the WIPP management contractor since 1988.

Since opening WIPP on March 26, 1999, the Department has permanently disposed of defense-generated transuranic radioactive waste left from the research and production of nuclear weapons and helped the Department meet its commitment to environmental cleanup. Transuranic waste consists of clothing, tools, rags, debris, residues, and other disposable items contaminated with radioactive elements, mostly plutonium.

Located in southeastern New Mexico, 26 miles east of Carlsbad, WIPP employs approximately 1,000 people. WIPP project facilities include disposal rooms excavated in an ancient, stable salt formation nearly one-half mile underground. For more information about WIPP, call 1-800-336-9477, or visit the WIPP Web site at www.wipp.carlsbad.nm.us.
SECTION B

SUPPLIES OR SERVICES AND PRICES/COSTS

SERVICES BEING ACQUIRED

The Contractor shall, in accordance with the terms of this Contract, provide the personnel, equipment, materials, supplies, and services, (except as may be furnished by the Government) and otherwise do all things necessary for, or incident to providing its best efforts so as to carry out in an efficient and effective manner all necessary and related services to manage and operate the Government-owned Waste Isolation Pilot Plant (WIPP), located near Carlsbad, New Mexico as described in Section C, Statement of Work, or as may be directed by the Contracting Officer within the scope of this Contract.

ESTIMATED COST, MAXIMUM AVAILABLE FEE, AND AVAILABLE FEE

(a) Estimated Cost

(1) The transition period (effective date of Contract through January 31, 2001) will be performed at no cost to the Government. There will be no fee paid for the transition period.

(2) The Estimated Cost of the Fiscal Year (FY) 2001 period of performance is $67,266,000.

(b) Fee:

(1) The Estimated Fee Base as defined in Department of Energy Acquisition Regulations (DEAR) 970.15 for the entire FY 2001 is $91,875,000. Due to the abbreviated performance period for FY 2001, the Maximum Available Fee for FY 2001 is $4,555,000.

(2) A Maximum Available Fee of $6,840,000 shall serve as the Maximum Available Fee for FY 2002 – FY 2005 and Option Years FY 2006 – FY 2010 unless the Estimated Fee Base for a given fiscal year deviates by more than plus or minus 15% from the Estimated Fee Base set forth above for FY 2001.

(3) In the event the Estimated Fee Base deviates for any fiscal year more than plus or minus 15% from the Estimated Fee Base (set forth in (b)(1) above), the Contractor agrees to negotiate with the U.S. Department of Energy (DOE) an equitable adjustment to the Maximum Available Fee amount to reflect the impact of such deviation. The new Maximum Available Fee for that fiscal year will be the amount calculated by DOE in accordance with
DEAR 970.15 (consistent with the FY 2001 fee computation methodology), multiplied by the ratio of the FY 2001 Maximum Available Fee in (b)(2) and $7,200,000 (See Section L-5 of the RFP). In the event the parties are unable to reach agreement on the Maximum Available Fee amount, the Government reserves the right to unilaterally establish the Maximum Available Fee amount.

(4) The Available Fee for FY 2001 - FY 2005 and Option Years FY 2006 - FY 2010 will be negotiated annually (or any other period as may be mutually agreed to between the parties) between the Contractor and the Government. The Available Fee will be equal to or less than the Maximum Available Fee set forth in (b)(2) above. The Available Fee shall be established considering the level of complexity, difficulty, cost effectiveness, and risk associated with specific objectives/incentives defined in the Performance Evaluation and Measurement Plan (PEMP), including work which may involve multiple-site taskings/objectives. Higher or lower levels of complexity, difficulty, cost effectiveness, and risk will correspondingly allow a higher or lower available fee. The portion of this Available Fee, defined as award fee versus performance-based incentives, will be determined for each period during the negotiation of the requirements in the PEMP. In the event the parties are unable to reach agreement on the Available Fee amount, the Government reserves the right to unilaterally establish the Available Fee amount. The Contract will be modified to reflect the Available Fee for each period.

(5) The Available Fees for the specified Contract periods are set forth below:

<table>
<thead>
<tr>
<th>Contract Periods</th>
<th>Available Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 1, 2001, through September 30, 2001</td>
<td>Award Fee $TBD, Performance-Based Incentive $TBD, Total $4,555,000</td>
</tr>
</tbody>
</table>

(6) There will be no base fee under this Contract.

B.3 AVAILABILITY OF APPROPRIATED FUNDS

Except as may be specifically provided to the contrary in the Contract Clause entitled "Nuclear Hazards Indemnity Agreement," the duties and obligations of the Government hereunder calling for the expenditure of appropriated funds shall be subject to the availability of funds appropriated by the Congress, which the U.S. Department of Energy (DOE) may legally spend for such purposes.
Department of Energy

Albuquerque Operations Office
P. O. Box 5400
Albuquerque, New Mexico 87185-5400

December 15, 2000

Mr. Ambrose L. Schwallie
Chairman of the Board
Westinghouse TRU Solutions LLC
407 West Greene Street
Carlsbad, NM 88220

VIA FACSIMILE - (505) 628-0177
and FIRST CLASS MAIL.

Dear Mr. Schwallie:

The Department of Energy (DOE) has completed its final review of your Final Revised Proposal submitted in response to Solicitation No. DE-RO04-00AL66444, "Management and Operation of the Waste Isolation Pilot Plant." The Source Selection Official has selected your Final Revised Proposal as the basis for contract award. This letter confirms the telephonic notification you received earlier.

The contract award was formally signed on December 14, 2000, and this allows you to begin transition activities as soon as practicable. You will be contacted separately regarding transition activities. A copy of your Final Revised Proposal will be provided to the DOE Carlsbad Field Office to assist them in development of the Performance Evaluation and Measurement Plan.

We congratulate you on your proposal and are confident that Westinghouse TRU Solutions will provide excellent leadership to enhance the management and operation of the Plant. It has been a pleasure working with you and your staff during the solicitation process and we look forward to our continued association as you assume your new responsibilities.

You may request a debriefing on the evaluation of your Final Revised Proposal by submitting a written request within three (3) days after receipt of this letter. If you choose to request a debriefing, your request can be telefaxed to (505) 845-4004. The Source Evaluation Board has set aside the date of January 3, 2001, for your debriefing. This date has been scheduled to avoid the holiday season. The debriefing will be held in Washington, D.C. The specific location for the debriefing will be provided at a later date. The debriefing will begin at 9:30 a.m. versus 9:00 a.m. as stated in DOE's letter of December 12, 2000.

Please contact Mr. James L. Robbins at (505) 845-4320 if you have any questions.

Sincerely,

Gene E. Rundle
Chairman
Source Evaluation Board
August 31, 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 Completeness Determination, Class 1 notifications
WIPP Hazardous Waste Facility Permit
EPA I.D. Number NM4890139088

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) acknowledges receipt of numerous notifications of Class 1 permit modifications and requests for Class 2 permit modifications to the WIPP Hazardous Waste Facility Permit. NMED did not review the following documents for administrative completeness because the Permittees subsequently withdrew them:

- Request for Class 2 Permit Modifications and Temporary Authorization, Dated 7/21/00, Rec'd 7/26/00
- Notification of Class 1 Permit Modifications, Dated 11/13/00, Rec'd 11/18/00

NMED has reviewed the following submittal, but is deferring administrative action on it until a later date:

- Notification of Class 1 Permit Modifications, Dated 7/21/00, Rec'd 7/25/00

The specific submittals reviewed for administrative completeness are as follows:

- Notification of Class 1 Permit Modifications, Dated 3/30/00, Rec'd 4/6/00
- Notification of Class 1 Permit Modifications, Dated 6/23/00, Rec'd 6/28/00
- Notification of Class 1 Permit Modifications (Retrofit), Dated 7/21/00, Rec'd 7/25/00
- Notification of Class 1 Permit Modifications, Dated 8/8/00, Rec'd 8/11/00
- Submittal of Panel 2 Certification of Construction, Notification of Class 1 Permit Modifications, Dated 9/14/00, Rec'd 9/19/00
- Notification of Class 1 Permit Modifications, Dated 9/21/00, Rec'd 9/25/00
- Notification of Class 1 Permit Modifications, Dated 11/1/00, Rec'd 11/6/00
- Notification of Class 1 Permit Modifications, Dated 11/28/00, Rec'd 12/4/00
- Notification of Class 1 Permit Modifications, Dated 12/12/00, Rec'd 12/14/00
- Notification of Class 1 Permit Modifications, Dated 1/29/01, Rec'd 2/5/01
- Notification of Class 1 Permit Modifications, Dated 3/6/01, Rec'd 3/8/01

NMED has reviewed this last list of documents and determined that they are

http://www.nmenv.state.nm.us/wipp/admincompl0801.html
administratively complete. With the exceptions of those modifications identified in Attachment 1 as being either withdrawn, rejected, or accepted with changes, all other modifications identified in the Notices of Class I Modification listed above as being administratively complete have been put into effect as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)).

Attachment 2 is a list of figures and other items for which the Permittees must submit clean copies for inclusion in the Permit.

Although NMED has determined the above submittals to be administratively complete, it is concerned with the adequacy of the notice of Class I modifications to the facility mailing list required of the Permittees under 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(ii)). NMED Secretary Peter Maggiore received a letter dated June 25, 2001 from Don Hancock of Southwest Research and Information Center (Attachment 3) alleging that the September 18, 2000 notice mailed to the facility mailing list regarding the "Class I Modifications Summary June 21, July 20, July 21, and August 8" did not constitute proper notice. NMED believes that the public notice required under §270.42(a)(1)(ii) should, minimally, contain a complete and accurate description of the modification sufficient to notify the public of the change and seek review by the Secretary. 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(iii)). The Permittees should exercise greater care in developing public notices for Class I modifications to ensure they contain sufficiently detailed descriptions of the modifications.

The New Mexico Hazardous Waste Fee Regulations require assessment of fees when administrative review of a document is complete, as specified in 20.4.2.301 NMAC. NMED will issue an invoice to you under a separate letter. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

Attachments:

Attachment 1 - General comments
Attachment 2 - Request for specific figures and items for incorporation into Permit
Attachment 3 - June 25, 2000 letter from Don Hancock, SRIC to Secretary Peter Maggiore, NMED

cc: Greg Lewis, NMED WWMD
James Bearzi, NMED HWB
Steve Zappe, NMED HWB
Cindy Abeyta, NMED HWB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
November 28, 2000 Notice of Class 1 Permit Modifications

Item 2.a.1 The change specified in the notification proposed deleting apparent requirements to routinely perform large area wipes from Table 13-2 in Attachment 13. Rather than delete the requirement from the table, NMED has added a footnote to Table 13-2 stating "Surface contamination surveys of TRUPACT II's are performed in accordance with Procedure WP 12-1100 (Permit Attachment P), which stipulates that all such work be performed under a Radiation Work Permit (RWP). The RWP will only stipulate large area wipes when necessary and not as a routine measure."

Item 4.a.3 Although the permit modification replace the acronym "WID" with "MOC" in this single location, there are still numerous references to WID throughout Attachment L. NMED did not perform any additional replacements beyond those specifically requested in the modification. NMED notes that many of these references were addressed by the January 29, 2001 Item 1.n notification.

December 12, 2000 Notice of Class 1 Permit Modifications

Item 1 The change specified in the notification proposed modifying the text to change the requirements for headspace gas sampling through the filter vent hole (Item 3, November 1, 2000). The Permittees' August 29, 2001 revised submittal for a temporary authorization and application of the Class 2 process on this previously submitted Class 1 modification is being evaluated and shall be addressed under a separate administrative action.

January 29, 2001 Notice of Class 1 Permit Modifications

Item 1.c.2 This edit was not incorporated, because the portion of text to which it applied was related to another modification submitted as a Class 1 (Item 4, November 1, 2000). The Permittees' August 29, 2001 revised submittal for a temporary authorization and application of the Class 2 process on this previously submitted Class 1 modification is being evaluated and shall be addressed under a separate administrative action.

Item 1.k.1 NMED added the acronym for Management and Operating Contractor (MOC) to the List of Abbreviations and Acronyms.

Item 1.k.2 NMED inserted the phrase "Management and Operating Contractor (MOC)" after the abbreviation for Westinghouse to be consistent with the remainder of the modifications in this attachment.

Item 1.n.3 The modification proposed in this item is inconsistent with the existing modification made on November 28, 2000. It appears that the Permittees want to limit references to Westinghouse and instead use MOC whenever possible. NMED has not incorporated this change.

Item 1.n.5 Again, this proposed modification is inconsistent with the intent to replace specific names of Westinghouse and WID with "MOC." NMED has replaced "WID" with "MOC" instead of the requested "Westinghouse TRU Solutions LLC."

Attachment O On the "RCRA Part A Application Certification" on page O-11, NMED has inserted the phrase "Management and Operating Contractor (MOC) after the edit changing
the name to Westinghouse TRU Solutions LLC. Otherwise, the acronym MOC would have been used without first being defined.

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Attachment 2
Request for Specific Figures and Items for Incorporation into Permit

Numerous Figures and other items provided in Permit modification submittals are either poor quality or are printed in colors which do not adequately reproduce as gray-scale photocopied images. The Permittees must provide clean copies of the following figures and items for incorporation into a revised Permit.

March 29, 2000 Notice of Class I Permit Modifications

Item 7 Attachment B, Figure B-1, WIPP Waste Stream Profile Form

July 20, 2000 Notice of Class I Permit Modifications

Item 7.a Attachment F, Figure F-10, WHB Pre-Fire Survey, First Floor
Attachment F, Figure F-11, WHB Pre-Fire Survey, Second Floor
Item 7.b Attachment G, Figure G-3, Waste Transport Routes in WHB
Item 7.c Attachment M1, Figure M1-1, WHB - Container Storage Unit
Attachment M1, Figure M1-14, WHB Plan (Ground Floor)
Item 7.d Attachment O, Figure O3-3, WHB - Container Storage Unit

September 14, 2000 Notice of Class I Permit Modification

Item 1.a Attachment F, Figure F-3, WIPP Underground Facilities
Attachment F, Figure F-5, Underground Emergency Equipment Locations
Attachment F, Figure F-9, Designated Underground Assembly Areas
Item 1.b Attachment I, Figure I-1, Location of Underground HWDUs
Attachment I, Figure I-6, Approximate Location of Boreholes
Attachment I2, Figure I2-1, View of the WIPP Underground Facility
Item 1.c Attachment M2, Figure M2-1, Repository Horizon

September 21, 2000 Notice of Class I Permit Modification

Item 2.a.1 Attachment H, Figure H-1, Organizational Location of Training...
Item 3.a.1 Attachment F, Figure F-1, WIPP Surface Structures
Attachment F, Figure F-1a, Legend to Figure F-1
Attachment F, Figure F-6, Fire-Water Distribution System
Attachment F, Figure F-8, WIPP On-Site Assembly Areas...
Item 3.b.1 Attachment G, Figure G-2, WIPP Traffic Flow Diagram
Item 17.a.1 Attachment F, Figure F-2, Spatial View of WIPP Facility
Attachment F, Figure F-3, WIPP Underground Facilities
Attachment F, Figure F-5, Underground Emergency Equipment Locations
~NOTICE~
March 12, 2001
Waste Isolation Pilot Plant
Notification of Class 1 Permit Modifications

The U.S. Department of Energy (DOE) Carlsbad Field Office (CBFO) and Westinghouse TRU Solutions LLC (WTS) are notifying you of several Class 1 Permit Modifications to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit, Permit Number: NM4890139088-TSDF.

Class 1 permit modification notices were submitted to the New Mexico Environment Department. The following is a summary of the changes made with each notification.

December 12, 2000
One change was made regarding general permit provisions. Included in this modification was:
Add informational changes which indicates that an airtight seal may be used to sample through the existing vent hole (Affected Module/Attachment: Attachment B1 and B6)

January 29, 2001
One change was made regarding general permit provisions. Included in this modification was:
Name Change for M&O Contractor and Name change for DOE Office. (Affected Figure: L-17a, L-17b, and N-3) (Affected Module/Attachment: Module I, Attachment A, B, B3, B4, B6, F, H, H2, I, I2, L, M1, N, P, and O)

February 29, 2001
One change was made regarding general permit provisions. This modification was submitted as a Class 1*. Included in this modification was:
Eliminate the use of mini-sacks (Affected Figure: J1-2, M1-13, M2-4, M2-5, and M2-12) (Affected Attachment: M2)

Questions about this notification should be directed to Mr. Jody Plum at (505) 234-7462, or by E-mail at plumj@wipp.carlsbad.nm.us. Complete copies of the permit modification notices submitted to the New Mexico Environment Department may be located on the world wide web by accessing the WIPP home page at http://www.wipp.carlsbad.nm.us/wipp.htm, selecting "Document Center", then "Hazardous Waste Disposal (RCRA) Permit Documents". Copies can also be reviewed at the WIPP Information Center by calling 1 (800) 336-9477.
February 2, 2001

Steve Zappe, Project Leader (WIPP)
Hazardous Waste Permits Program
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044 – A Galisteo
Santa Fe, New Mexico 87502-6110

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

Dear Mr. Zappe:

The purpose of this letter is to notify you of organizational name changes in WIPP’s Hazardous Waste Facility Permit. The Carlsbad Area Office is now the Carlsbad Field Office effective February 1, 2001. The WIPP management and operating contractor’s name will change to Westinghouse TRU Solutions, LLC, serving as co-permittee under the HWFP. The Class 1 Permit Modification documenting the changes is enclosed. The modification is an administrative and informational Class I Permit Modification per 20 4.1.901 NMAC (incorporating 40 CFR 270.42 Appendix I, A.1).

The Department of Energy remains the owner and operator of the facility. Westinghouse Government Environmental Services LLC (WGES) and R. F. Weston, Inc. formed Westinghouse TRU Solutions specifically for the WIPP, of which WGES serves as managing member.

The impacts of these changes are administrative in nature. I, Inés Triay, remain the manager of the Carlsbad Field Office and Mr. Hank Herrera is President and General Manager of Westinghouse TRU Solutions, LLC.

The proposed changes do not compromise worker safety, human health, or the environment.

I certify under penalty of law that this document and all enclosures 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,

Inés Triay, CBFO Manager
U S Department of Energy

H. F. Herrera, General Manager
Westinghouse TRU Solutions, LLC

Enclosure
Notice of Class 1 Permit Modification in Accordance with WIPP Permit Condition I.B.1

Waste Isolation Pilot Plant
Carlsbad, New Mexico
Notice of Class 1 Permit Modification in Accordance with WIPP Permit Condition I.B.1

Consistent with the requirements of 20.4.1.900 New Mexico Administrative Code (NMAC) (hereafter referred to as Part 270 or Section 270.XX) the U.S. Department of Energy, Carlsbad Field Office is submitting to the New Mexico Environment Department (NMED) a notice of Class 1 modification to the Hazardous Waste Facility Permit (NM4890139088-TSDF) for the Waste Isolation Pilot Plant (WIPP). Specifically, this information is provided to comply with the requirements of Section 270.42(a).

This modification is listed in Table 1. Listed information includes a reference to the applicable section of the Permit, the title of the item and the relevant permit modification category as identified in 20.4.1.900 NMAC, incorporating 40 CFR 270.42, Appendix I. A more complete description of the Class 1 modification is provided in Attachment A.

The changes within these modifications do not reduce the capacity of the facility to protect human health or the environment.
**Item - 1**

**Description:**
Revise the Hazardous Waste Facility Permit (HWFP) to change Carlsbad Area Office (CAO) to Carlsbad Field Office (CBFO). Change M&O references from Westinghouse Government Environmental Services Company LLC to Westinghouse TRU Solutions LLC and identify appropriate management personnel in HWFP Modules and Attachments.

**Basis:**
The CAO has recently been changed to the CBFO. This modification reflects that change.

The CBFO recently awarded a five-year Management and Operating (M&O) contract for WIPP to Westinghouse TRU Solutions LLC. Westinghouse Government Environmental Services LLC (WGES) and Roy F. Weston Inc. formed Westinghouse TRU Solutions LLC specifically for WIPP, of which WGES serves as managing member. Westinghouse TRU Solutions LLC commenced operations on February 1, 2001, as WIPP M&O contractor and as co-permittee under the HWFP.

**Discussion:**
The change is administrative and informational in nature as described in 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.1). The recent name change for both the M&O contractor as well as the change from a DOE area office to field office has prompted this modification.
Revised Permit Text:

a.1. Module I, Section I.A. EFFECT OF PERMIT

The Secretary of the New Mexico Environment Department (Secretary) issues this Permit to the United States Department of Energy (DOE), the owner and co-operator of the Waste Isolation Pilot Plant (WIPP) (EPA I.D. Number NM4890139088), and Westinghouse TRU Solutions LLC, Management and Operating Contractor (MOC); the Waste Isolation Division (WID) of Westinghouse Electric Government Environmental Services Company LLC, a division of GBS Corporation, Westinghouse TRU Solutions LLC, Management and Operating Contractor (MOC), the co-operator of WIPP. This Permit authorizes DOE and MOC WID (the Permittees) to manage, store, and dispose contact-handled transuranic (TRU) mixed waste at WIPP, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§74-4-1 et seq. (Repl. Pamp. 1993) and the New Mexico Hazardous Waste Regulations, 20.NMAC 4.1.100 NMAC et seq.

a.2. Module I, Section I.D.3. Permittees

"Permittees" means the United States Department of Energy (DOE), an agency of the Federal government, and the owner and co-operator of the WIPP facility; and Westinghouse TRU Solutions LLC, Management and Operating Contractor (MOC), the Waste Isolation Division of Westinghouse Electric Government Environmental Services Company LLC (WID), a division of GBS Corporation, and the co-operator of the WIPP facility.

b.1. Attachment A, Section A-1

ATTACHMENT A

GENERAL FACILITY DESCRIPTION AND
PROCESS INFORMATION

A-1 Facility Description

Abstract

NAME OF FACILITY: Waste Isolation Pilot Plant

OWNER and CO-OPERATOR: U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

CO-OPERATOR: Westinghouse TRU Solutions Electric
Corporation Government Environmental Services
Company, LLC
Waste Isolation Division
P.O. Box 2078
Carlsbad, NM 88221

RESPONSIBLE OFFICIALS: Keith Klein Inés Triay, Manager
DOE/Carlsbad Area Field Office
Joseph L. Epstein Henry F. Herrera, General Manager
Westinghouse TRU Solutions-Electric
Enclosure D

Class 1 PMN dated December 27, 2002 and Related Information
~NOTICE~

January 24, 2003

Waste Isolation Pilot Plant
Notification of Class 1 Permit Modifications

The U.S. Department of Energy Carlsbad Field Office and Washington TRU Solutions LLC hereby notify you of the following Class 1 Permit Modifications to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit, Permit Number: NM4890139088-TSDF.

The following Class 1 and Class 1* permit modification notices were submitted to the New Mexico Environment Department (NMED) on the dates indicated below. Included with each notice is a summary of the change requested.

November 21, 2002 (Class 1*)

This modification requested to change the date of closure for Panel 1. After review of the modification and revised engineering report, NMED approved the extended closure date to indicate that Panel 1 will be closed “no later than five years after completion of the explosion isolation wall.” The 12-foot explosion isolation wall will be installed no later than 180 days after the last receipt of waste in Panel 1.

The above modification request was approved by NMED on December 26, 2002.

December 27, 2002 (Class 1)

This modification requested a change to the name of the management and operating contractor from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. In addition, a change was made to use the generic term “Management and Operating Contractor” in place of Washington TRU Solutions LLC.

January 16, 2002 (Class 1)

This modification requested a change in the name of the General Manager and President of Washington TRU Solutions LLC from Mr. John Lee to Dr. Steven D. Warren.

Class 1* - Must be approved by the NMED Secretary prior to its implementation.
February 6, 2003

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

Dr. Steven Warren, President  
Washington TRU Solutions, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

RE: ADMINISTRATIVE COMPLETENESS DETERMINATION AND ISSUANCE OF REVISED PERMIT  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088

Dear Dr. Triay and Dr. Warren:

The New Mexico Environment Department (NMED) acknowledges receipt of the following Notices of Class I Modifications to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau (HWB):

- Notification of Class 1 Permit Modifications (Corporate Name Change), Letter Dated 12/27/02, Rec’d 1/2/03
- Notification of Class 1 Permit Modifications (WTS President Name Change), Letter Dated 1/21/03, Rec’d 1/23/03
- Notification of Class 1 Permit Modifications (Fire Alarm), Letter Dated 1/27/03, Rec’d 1/28/03

NMED has reviewed these documents and determined that they are administratively complete. All modifications identified in the Notices of Class I Modification listed above have been put into effect as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)).
The New Mexico Hazardous Waste Fee Regulations require assessment of fees when administrative review of a document is complete, as specified in 20.4.2.301 NMAC. NMED will issue an invoice to you under a separate letter. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

NMED has issued a revised version of the Permit to reflect all modifications approved to date. These modifications include following:

- Drum Age Criteria Class 3 Permit Modification (Public Hearing No. HWB 02-01(M)), approved by Final Order of the NMED Secretary on December 31, 2002
- “Closure Schedule Change” Class 1* Permit Modification, approved by NMED on December 26, 2002
- The Class 1 modifications noted above, received between January 2 and January 28, 2003

The approved modifications are incorporated in Attachment 1, which contains the redline/strikeout pages of the modified permit to help the reader rapidly identify each modification. Language deleted from the permit is stricken out. Language added to the permit is **marked with a **asterisk.** For purposes of version control, NMED has established the date of these modified pages and attachments as January 30, 2003.

Also enclosed is a CD-ROM containing the modified files in WordPerfect 8 redline/strikeout format as well as files with markings and comments removed. An electronic version of the modified permit with markings removed was publicly posted on the NMED WIPP Information Page at [http://www.nmenv.state.nm.us/wipp/download.html](http://www.nmenv.state.nm.us/wipp/download.html) and has been available for download since January 30, 2003, in conformance with the NMED Secretary’s Final Order dated December 31, 2002.

NMED will provide full response to all public comments on the DAC modification under separate cover.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz
Attachments — redline/strikeout pages

CD ROM with electronic files

cc w/o Attachments:

Charles Lundstrom, NMED
John Kieling, NMED HWB
Steve Zappe, NMED HWB
Cindy Abeyta, NMED HWB
Laurie King, EPA Region 6
Betsy Forinash, EPA ORIA

cc w/ Attachments

Chuck Noble, NMED OGC
Connie Walker, Trinity Engineering
File: Red WIPP '03
Class 1 Permit Modification Notification

Name Change

Waste Isolation Pilot Plant
Carlsbad, New Mexico

WIPP HWFP #NM4890139088-TSDF

December 9, 2002
Mr. Steve Zappe, Project Leader (WIPP)
Hazardous Waste Permits Program
Hazardous Waste Bureau
New Mexico Environment Department
2905 E. Rodeo Park Drive, Bldg. 1
Santa Fe, NM 87502-6303

Subject: Notification of a Class 1 Permit Modification to the Hazardous Waste Facility Permit for Changing the Corporate Name of the Co-permittee, 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 proposed changes do not compromise worker safety, human health, or the environment. The purpose of this modification is to change the corporate name of the co-permittee from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC.

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.

If you have any questions regarding this submittal, please contact Mr. Jody Plum at (505) 234-7462.

Sincerely,

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

J.L. Lee, General Manager
Westinghouse TRU Solutions LLC

Enclosure
1. Facility's EPA I.D. Number (Mark "x" to the appropriate box)
   - A. First Part A Submission
   - B. Revised Part A Submission (Amendment C)

2. Facility's EPA I.D. Number
   - NM 489139088

3. Name of Facility
   - WASTE ISOLATION PILOT PLANT

4. Facility Location (Physical address not P.O. Box or Route Number)
   - A. Street:
     - 50 MILES EAST OF CARLSBAD ON U.S. HIGHWAY
   - Street (Continued)
     - JAL HIGHWAY

5. City or Town
   - CARLSBAD
   - NM 88221

6. State
   - NM

7. County Name
   - EDDY

8. Land Type
   - A. Geographic Location
     - MX 30° 13' 0" W 103° 41' 30" N

9. Facility Mailing Address
   - Street or P.O. Box
     - PO BOX 3090
   - City or Town
     - CARLSBAD
     - NM 88221

10. Facility Contact (Person to be contacted regarding waste activities at facility)
    - Name (Last)
      - TRAY
    - (First)
      - INES
    - Job Title
      - MANAGER
    - Phone Number (Area Code and Number)
      - 505-234-7300

11. Facility Contact Address (See instructions)
    - A. Contact Address
      - Street or P.O. Box
        - PO BOX 3090
      - City or Town
        - CARLSBAD
        - NM 88221
        - 3090
RCRA PART A APPLICATION CERTIFICATION

The U.S. Department of Energy (DOE), through its Carlsbad Field Office, has signed as "owner and operator," and WestinghouseWashington TRU Solutions LLC, the Management and Operating Contractor (MOC), has signed this application for the permitted facility as "co-operator."

The DOE has determined that dual signatures best reflect the actual apportionment of Resource Conservation and Recovery Act (RCRA) responsibilities as follows:

The DOE's RCRA responsibilities are for policy, programmatic directives, funding and scheduling decisions, Waste Isolation Pilot Plant (WIPP) requirements of DOE generator sites, auditing, and oversight of all other parties engaged in work at the WIPP, as well as general oversight.

The MOC's RCRA responsibilities are for certain day-to-day operations (in accordance with general directions given by the DOE and in the Management and Operating Contract as part of its general oversight responsibility), including, but not limited to, the following: certain waste handling, monitoring, record keeping, certain data collection, reporting, technical advice, and contingency planning.

For purposes of the certification required by Title 20 of the New Mexico Administrative Code, Chapter 4, Part 1 (20.4.1 NMAC), Subpart IX, §270.11(d), the DOE's and the MOC's representatives certify, under penalty of law that this document and all attachments were prepared under their direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on their 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 their knowledge and belief, true, accurate, and complete for their respective areas of responsibility. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner and Operator Signature: Original signed by Inés Triay
Title: Manager, Carlsbad Field Office
for: U.S. Department of Energy
Date:

Co-Operator Signature: Original signed by John L. Lee
Title: General Manager
for: WestinghouseWashington TRU Solutions LLC
Date:
Section XXXII Operator Signature - "See attached "RCRA Part A Application Certification"

- Date of submittal of clarifying information as requested by NMED, May 28, 1996
- Additional data were submitted on July 9, 1991; November 12, 1992; January 29, 1993; March 2, 1995; May 26, 1995; April 12, 1996; May 29, 1996; April 21, 1999; May 10, 1999; and February 2, 2001
1

Enclosure E

2

Class 2 PMR Approvals To Remove Financial Requirements From the HWFP
August 8, 2000

Dr. Inés Triay, Manager  Mr. Joe Epstein, General Manager
Carlsbad Area Office  Westinghouse Waste Isolation Division
Department of Energy  P.O. Box 2078
P. O. Box 3090  Carlsbad, New Mexico 88221-5608
Carlsbad, New Mexico 88221-3090

RE: FINAL DETERMINATION, CLASS 2 MODIFICATION REQUESTS
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088

Dear Dr. Triay and Mr. Epstein,

The New Mexico Environment Department (NMED) hereby approves the Class 2 permit modification requests to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau (HWB) in the following documents:

- Request for Class 2 Permit Modifications, Dated 4/7/00, Rec’d 4/10/00
- Request for Class 2 Permit Modifications, Dated 4/20/00, Rec’d 4/24/00

These modifications were processed by NMED in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)). The approved modifications are incorporated in the following attachments:

- Attachment 1 lists the modifications made to the WIPP Hazardous Waste Facility Permit, indicating the location of the modifications within the permit and a brief description of the modifications.
- Attachment 2 is the redline/strikeout version of the permit pages to help the reader rapidly identify the modifications. Language deleted from the permit is striken-out. Language added to the permit is highlightred.
An additional attachment, containing the clean replacement modules and attachments to the permit affected by these modifications, will be provided under separate cover at a later date.

WIPP is requested to place Attachment 1 in the front of the permit to provide a historical record of modifications (other than Class 1 modifications) to the permit. The effective date of the permit modification approval is your date of receipt of this letter.

For purposes of version control, please note that the date of these modified pages, modules, and attachments has been established as August 8, 2000. These modified pages also include all Class 1 modifications implemented under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)), as identified in the August 4, 2000 administrative completeness determination issued by HWB.

These Class 2 modifications were subject to sixty (60) day public comment periods, which ran from April 12 through June 12, 2000 for the April 7, 2000 submittal, and from April 26 through June 26, 2000 for the April 20, 2000 submittal. Due to public confusion over the appropriate comment deadlines, NMED accepted all comments submitted by the latest deadline. NMED received written comments from twenty-two individuals and organizations during this time. The list of commentors and NMED's responses to these comments are incorporated in the following attachments:

- **Attachment 3** is a list of commentors, their affiliation, the date their comment was received, and a breakdown of the comment topic areas.
- **Attachment 4** is a spreadsheet providing NMED’s direct response to each comment submitted. This document will be mailed to each individual commentor.
- **Attachment 5** is a general summary of the permit modification requests, the typical comments received, and NMED’s general response to those comments. This document will be mailed to all other individuals and organizations on NMED’s WIPP facility mailing list.
LIST OF ATTACHMENTS

A General Facility Description and Process Information

B Waste Analysis Plan
   B1 Waste Characterization Sampling Methods
   B2 Statistical Methods Used in Sampling and Analysis
   B3 Quality Assurance Objectives and Data Validation Techniques
       for Waste Characterization Sampling and Analytical Methods
   B4 TRU Mixed Waste Characterization Using Acceptable Knowledge
   B5 Quality Assurance Project Plan Requirements
   B6 Waste Isolation Pilot Plant Permittees' Audit and Surveillance
       Program

C Security

D Inspections
   D1 Inspection Sheets, Logs, and Instructions for
       Systems/Equipment Requiring Inspection

E Procedures to Prevent Hazards

F RCRA Contingency Plan

G Traffic Patterns

H Personnel Training
   H1 RCRA Hazardous Waste Management Job Titles and Descriptions
   H2 Training Course and Qualification/Certification Card Outlines

I Closure Plan
   I1 Technical Specifications, Panel Closure System, Waste
       Isolation Pilot Plant
       I1-G Technical Specifications
       I1-H Design Drawings
   I2 Shaft Sealing System Compliance Submittal Design Report
       I2-A Material Specifications
       I2-B Shaft Sealing Construction Procedures
       I2-E Design Drawings
   I3 Radiological Surveys to Indicate Potential Hazardous Waste
       Releases

J Post-Closure Plan
   J1 Active Institutional Controls

K Financial Requirements

L WIPP Groundwater Detection Monitoring Program Plan

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Page xi of xii
Notice of RCRA Class 1 Permit Modifications in Accordance with 20.4.1.900 NMAC (incorporating 40 CFR Part 270)

Waste Isolation Pilot Plant
Carlsbad, New Mexico

September 21, 2000
Item 10

Description:
Remove an additional reference to the financial assurance requirements.

Basis:
This modification will remove an additional reference to the financial assurance requirements which have been revised by NMED.

Discussion:
The NMED recently removed all financial assurance/liability requirements from the Permit. One reference was inadvertently left in place. This modification removes that reference.

Revised Permit Text:

All other documents required by Module I, Permit Condition I.E.10, and Module II.