



**Department of Energy**  
 Carlsbad Field Office  
 P. O. Box 3090  
 Carlsbad, New Mexico 88221  
 November 1, 2004

 ENTERED



Mr. Steve Zappe, Project Leader (WIPP)  
 Hazardous Waste Bureau  
 New Mexico Environment Department  
 2905 E. Rodeo Park Drive, Building 1  
 Santa Fe, NM 87505-6303

Subject: Permittees' Comments on the September 17, 2004 Hazardous Waste Facility Permit, No. NM4890139088-TSDF, Construction and Use of Hazardous Waste Disposal Units

Dear Mr. Zappe:

This letter and attachment constitute the Permittees' comments on the draft Hazardous Waste Facility Permit (No. NM4890139088-TSDF) for the Waste Isolation Pilot Plant that was published by the New Mexico Environment Department (NMED) on September 17, 2004. These comments are being submitted by the U.S. Department of Energy and Washington TRU Solutions, LLC, Co. Permittees, pursuant to 20.4.1.901 New Mexico Administrative Code (NMAC).

The Permittees support the draft permit that was issued by NMED on September 17, 2004. As a result of recent discussions with stakeholders and NMED, the Permittees support two changes to the draft permit.

First, the Permittees support modifying Section IV.E.2 to include a provision requiring the Permittees to send written notification to the NMED Secretary and the WIPP facility mailing list of the date on which the Permittees intend to start mining each new panel. Such notice would be provided at least thirty days prior to the start of panel mining, and would include supporting rationale. The exact wording of this proposed change is attached.

Second, the Permittees support modifying Table I-1 of Permit Attachment I to include their estimate of the earliest closure date for each of the underground hazardous waste disposal units. The exact wording of this proposed change is attached.

Please contact us if you have any questions regarding these comments.

Sincerely,

  
 R. Paul Detwiler, Acting Manager  
 U.S. Department of Energy

  
 Steve Warren, General Manager  
 Washington TRU Solutions, LLC

Enclosure



Mr. Steve Zappe

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November 1, 2004

cc:

James Bearzi, NMED \*ED

John Kieling, NMED \*ED

Ashley Shannauer, NMED \*ED

Tracy Hughes, NMED \*ED

1. Proposed addition to Section IV.E.2 of the September 17, 2004, draft permit (note: the existing proposed change in IV.E.2 should be designated IV.E.2.a, and the following text added and designated as paragraph b):

IV.E.2.b Notification of Start of Underground HWDU Construction – The Permittees will provide written notice to the Secretary and to the WIPP facility mailing list stating the projected date of the start of mining of each underground HWDU. Such notice will be provided at least 30 days prior to the date mining of each HWDU is expected to begin, along with supporting rationale (e.g., projected waste receipt rate).

2. Proposed revision to Table I-1 of the September 17, 2004, draft permit (note: this table has been revised to reflect the mining and emplacement schedule as of October 2004):

**TABLE I-1  
ANTICIPATED EARLIEST CLOSURE DATES FOR  
THE UNDERGROUND HWDUs**

<b>HWDU</b>	<b>OPERATIONS START</b>	<b>OPERATIONS END</b>	<b>CLOSURE START</b>	<b>CLOSURE END</b>
<b>PANEL 1</b>	3/99	2/03	3/03	9/03 SEE NOTE 5
<b>PANEL 2</b>	1/02 <del>3/03</del>	7/04 <del>3/05</del>	8/04 <del>4/05</del>	12/05 <del>10/05</del>
<b>PANEL 3</b>	7/04 <del>3/05</del>	1/07 <del>6/06</del>	2/07 <del>7/06</del>	6/07 <del>1/07</del>
<b>PANEL 4</b>	1/07 <del>5/06</del>	7/09 <del>7/07</del>	8/09 <del>8/07</del>	12/10 <del>2/08</del>
<b>PANEL 5</b>	7/09 <del>6/07</del>	1/12 <del>9/08</del>	2/12 <del>10/08</del>	6/12 <del>4/09</del>
<b>PANEL 6</b>	1/12 <del>8/08</del>	7/14 <del>10/09</del>	8/14 <del>11/09</del>	12/15 <del>5/10</del>
<b>PANEL 7</b>	7/14 <del>9/09</del>	1/17 <del>1/11</del>	2/17 <del>2/11</del>	6/17 <del>7/11</del>
<b>PANEL 8</b>	1/17 <del>8/10</del>	7/19 <del>9/12</del>	8/19 <del>10/12</del>	12/20 <del>4/13</del>
<b>PANEL 9</b>	7/19 <del>7/11</del>	1/22 <del>5/27</del>	2/22 <del>6/27</del>	SEE NOTE 4
<b>PANEL 10</b>	1/22 <del>1/13</del>	7/24 <del>9/30</del>	8/24 <del>10/30</del>	SEE NOTE 4