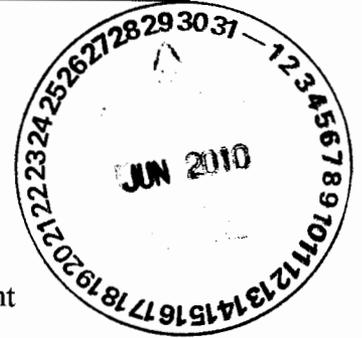


# PECOS MANAGEMENT SERVICES, INC.

June 28, 2010

Mr. Vernon Daub, Deputy Manager  
U.S. Department of Energy  
Carlsbad Field Office  
PO Box 3090  
Carlsbad, NM 88221

Mr. Steve Zappe  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive, Building E  
Santa Fe, NM 87505



Subject: Contract No. DE-AC30-06EW03005, "Draft Hazardous Waste Facility Permit."  
PECOS Document #2010-C-0040

Dear Mr. Daub and Mr. Zappe:

PECOS Management Services, Inc (PECOS) has reviewed the draft Hazardous Waste Facility Permit issued by the New Mexico Environment Department (NMED) on April 27, 2010 and makes the following observations and comments which should be appropriately included in the public record for this permit renewal action.

There is no discussion of Panels 9 & 10 in the draft permit, which was in the original permit and which the DOE has acknowledged are planned. Since there is a strong possibility that the original plan to use the main access shafts that lead to Panels 3, 4, 5, and 6, for disposal of transuranic waste during the effective dates of the renewed permit, it is recommended that a discussion to that affect by included in the permit.

For waste acceptance and confirmation, the draft permit requires DOE to be the approval point in the process, whereas the current permit required the permittees to be the approval point. Under the term permittees, either Washington TRU Solutions (WTS) or DOE could be the approval point in the original permit. With these changes, the DOE now has responsibilities that had been performed by WTS or by WTS subcontractors. However, it is not clear whether DOE can delegate these responsibilities to others, such as the Carlsbad Technical Assistance Contractor; and, if so, can it be a full delegation including approval or must DOE employees issue the approvals.

With respect to Acceptable Knowledge (AK), NMED wants to change how a waste stream is defined and how Hazardous Waste Numbers (HWNs) are assigned. In doing so, waste streams truly will contain waste that is similar in both the method of generation and physical characteristics, not one or the other. PECOS is in agreement with NMED regarding those proposed changes to the permit that will ultimately strengthen the AK record. However, using conservative HWN's makes the management, treatment, and disposal of waste, much more complicated if not impossible. Use of these "conservative codings" for waste shipments is in direct violation of DOT. If codes don't apply, injury of emergency responders during a transport



PECOS MANAGEMENT SERVICES, INC.

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Mr. Vernon Daub  
Mr. Steve Zappe  
June 25, 2010  
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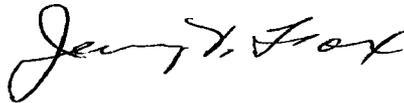
incident caused by miscoding is a real danger. PECOS recommends using HWN's which reflect the actual contents of the waste container.

Finally, PECOS recommends that as many as the outstanding Class 2 Permit Modification Requests (PMRs), including the proposed change in the volatile organic compound action limits be incorporated into this draft permit. Those changes could easily be proposed prior to the public hearing dates and since those Class 2 PMRs have already been made publicly available, it could be accomplished as a part of the renewal process.

PECOS believes the draft HWFP is acceptable and reasonable as presented.

Please call me or Christopher Timm at (505) 323-8355 should you have any questions.

Sincerely,



Jerry V. Fox, PhD  
Project Director

cc: G. Basabilvazo, DOE  
R. Nelson, DOE  
S. Keeney, PECOS  
C. Timm, PECOS