Mr. John Kieling, Acting Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Subject: Comments on the September 29, 2011, Class II Permit Modification Request:
"Update Ventilation Language, Addition of a Shielded Container, and Revise the WIPP Groundwater Detection Monitoring Program Plan"

Dear Mr. Kieling:

The purpose of this letter is to provide you with comments on the Class II Permit Modification Request: "Update Ventilation Language, Addition of a Shielded Container, and Revise the WIPP Groundwater Detection Monitoring Program Plan" submitted to the New Mexico Environment Department on September 29, 2011.

We certify under penalty of law that this document and the enclosure were prepared under our direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our 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 our knowledge and belief, true, accurate, and complete. We are 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, please contact Mrs. Susan McCauslin at 575-234-7349.

Sincerely,

[Signature]
Edward Ziemienski, Interim Manager
Department of Energy

[Signature]
M. F. Sharif, General Manager
Washington TRU Solutions LLC

Enclosures (5)

cc: w/enclosure
T. Hall, NMED * ED
CBFO M&RC
*ED denotes electronic distribution
Comments on the September 29, 2011, Class II Permit Modification Request

Enclosure 1
Permittees' Comments on the Class 2 PMRs, “Update Ventilation Language, Addition of a Shielded Container, and Revise the WIPP Groundwater Detection Monitoring Program Plan” Submitted to the NMED on September 29, 2011

Update Ventilation Language

1. The Permittees wish to include a definition for a Filled Room.

"1.5.19 Filled Room

“Filled Room” means a room in an Underground Hazardous Waste Disposal Unit as specified in Permit Part 4 that will no longer receive waste for emplacement."

2. The Permittees seek to clarify that the language proposed in this modification establishes minimum ventilation rates for any active disposal room that is receiving CH TRU waste and any active disposal room that is adjacent to a filled room only. Ventilation rates for other rooms (active RH TRU waste disposal rooms not adjacent to a filled room) are not subject to the same minimum ventilation rates. However, such rooms are subject to the general requirements in the Permit that invoke the ventilation standards of the Mine Health and Safety Administration (MSHA). This is protective of human health because the MSHA requirements are based on the amount of air needed to accommodate the types and quantity of equipment that is operating in an area of a mine. Furthermore, RH TRU active disposal rooms are only subject to negligible quantities of hazardous emissions from containers of emplaced waste. An analysis demonstrating that these emissions are negligible was included as Supplement 3 to the 2002 RH TRU Waste Permit Modification Request.

3. The Permittees wish to include a definition for an Active Disposal Room.

"1.5.20 Active Disposal Room

“Active Disposal Room” means a room in an Underground Hazardous Waste Disposal Unit as specified in Permit Part 4 that contains emplaced TRU waste and is not a filled room."

Shielded Containers

4. In order to clarify that RH TRU waste managed in the shielded container is not subject to some of the same management conditions for RH TRU waste managed in canisters, several modifications to the text are necessary. These are in Attachment A1, Section
A1-1c(1), Page A1-9 of 80, lines 26 to 30 and Page A1-10 of 80 lines 25 to 27. The following changes are proposed as part of the shielded container modification.

**RH TRU Mixed Waste**

The RH TRU mixed waste is handled and stored in the RH Complex of the WHB Unit which comprises the following locations: RH Bay (12,552 ft² (1,166 m²)), the Cask Unloading Room (382 ft² (36 m²)), the Hot Cell (1,841 ft² (171 m²)), the Transfer Cell (1,003 ft² (93 m²)) (Figures A1-17a, b and c), and the Facility Cask Loading Room (1,625 ft² (151 m²)) (Figure A1-17d). Shielded containers are not stored in the RH Complex of the WHB. Shielded containers will be stored in the CH Bay of the WHB Unit.

The following is a description of major pieces of equipment that are used to manage RH TRU mixed waste not in shielded containers in the WHB Unit. A summary of the equipment capacities, as required by 20.4.1.500 NMAC, is included in Table A1-3.

5. A question was raised by a stakeholder regarding the overpacking of shielded containers should the container integrity be such that overpacking is necessary upon arrival at the WIPP facility. Shielded containers which require overpacking will be managed as any other CH TRU waste requiring overpacking. Overpacking of Shielded Containers is addressed in Permit Attachment A, Section A1-1d(4), Handling RH TRU Mixed Waste in Shielded Containers.

**Revise the WIPP Groundwater Detection Monitoring Program Plan**

6. Revised Table L-5, Page B-68, to correct table values so they match the values in the figures. Some editorial changes, such as rounding of numbers, were also made. Corrections are highlighted in yellow.

7. Editorial correction to delete the word “Suggested” from the title of Table L-6 in the Table of Contents, PMR page B-12, as it is not in the title of the associated table.

8. Editorial change to Figure L-4, Generalized Stratigraphic Cross Section Above Bell Canyon Formation at WIPP Site, to apply the correct color of sand and sandstone to the surficial deposits on the illustration.

9. Editorial change to Figure L-5, Culebra Freshwater-Head Potentiometric Surface, to add a legend item to identify the green dots on the potentiometric map as observation wells.

10. Editorial change to delete the acronym “WQSP” from the title of Figure L-6, Detection Monitoring Well Locations.

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Enclosure 2
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Comments on the September 29, 2011, Class II Permit Modification Request

Enclosure 3
Figure L-4
Generalized Stratigraphic Cross Section Above Bell Canyon Formation at WIPP Site
Comments on the September 29, 2011, Class II Permit Modification Request

Enclosure 4
Figure L-5
Culebra Freshwater-Head Potentiometric Surface
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Enclosure 5
NOTE: Point of compliance is defined in Part 5.3.1.

Figure L-6
Detection Monitoring Well Locations