



**Department of Energy**  
 Carlsbad Field Office  
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MAY 20 2013



Mr. John E. Kieling, 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 March 18, 2013, Class 3 Permit Modification Request:  
 "Panel Closure Redesign," "Repository Reconfiguration" and "Volatile Organic  
 Compound Monitoring Program"

Dear Mr. Kieling:

The purpose of this letter is to provide you with comments on the Class 3 Permit  
 Modification Request: "Panel Closure Redesign," "Repository Reconfiguration" and  
 "Volatile Organic Compound Monitoring Program" submitted to the New Mexico  
 Environment Department on March 18, 2013.

We certify under penalty of law that this document and all attachments 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 Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

  
 Jose R. Franco, Manager  
 Carlsbad Field Office

  
 M. F. Sharif, Project Manager  
 Nuclear Waste Partnership LLC

Enclosure

cc: w/enclosure  
 T. Kliphuis, NMED \* ED  
 T. Skibitski, NMED ED  
 C. Walker, Trinity Engineering ED  
 CBFO M&RC  
 \*ED denotes electronic distribution



**Permittees' Comments on the Class 3 PMR,  
 "Panel Closure Redesign"  
 "Repository Reconfiguration"  
 "Volatile Organic Compound Monitoring Program Changes"  
 Submitted to the New Mexico Environment Department on March 18, 2013**

Item 1 below is a clarification only and does not result in any changes to the Permit. A redline/strikeout to the overview and/or the proposed Permit text is included for items 2 through 6. The redline/strikeout for items 2 through 6 replaces the text for the respective section of the Permit Modification Request (PMR) submitted on March 18, 2013. The changes to the redline/strikeout are primarily editorial to the submittal and are highlighted in yellow.

1. **(Panel Closure Redesign)** In Attachment G1, Appendix C, Section 04100 of the Proposed Revised Permit Text of the Permit Codification Request (PMR), the Permit text includes the requirement, "The salt shall be free of organic material." The Permittees have determined that it is necessary to clarify this text. The intent of this statement is to ensure that the run-of-mine salt is reasonably free of organic material that could decay with time and possibly reduce the load bearing capacity of the run-of-mine salt. This specification is similar to Federal Highway Administration standards for roadway and embankment backfill; which is used to minimize the amount of organic materials, such as tree roots, vegetation, and other trash material.
2. **(Panel Closure Redesign)** The Permittees have identified an inconsistency between the Overview of the PMR, the Table of Changes, and the Proposed Revised Permit Text. The second and third bullets in the Section entitled Revision to the PCS Design on page 1 of the Overview, states:
  - Add new Attachment G1, Appendix D, with the technical specifications for the WPC design
  - Add new Attachment G1, Appendix E, with the design drawings for the WPC design

This same information is also presented in the Table of Changes on page A-3 of the PMR where it states in four rows that the technical specifications are given in a new Attachment G1, Appendix D and, the design drawings are given in a new Attachment G1, Appendix E.

On page B-16 of the Proposed Revised Permit Text, the PMR identifies that Attachment G1-C contains the technical specifications and Attachment G1-D contains the design drawings. This is also described on pages B-101 and B-123 where it is identified that Attachment G1, Appendix C contains the technical specifications and Attachment G1, Appendix D contains the design drawings. In order to be consistent with the Proposed Revised Permit Text, the following revised text to the Overview and Table of Changes on pages 1 and A-3 are being proposed:

- Add new Attachment G1, Appendix **DC**, with the technical specifications for the WPC design
- Add new Attachment G1, Appendix **ED**, with the design drawings for the WPC design

Affected Permit Section	Explanation of Change
Attachment G1, Appendix <b>DC</b>	Create a new Attachment G1, Appendix <b>DC</b> , with the technical specifications for the WPC as presented in Appendix <b>DC</b> of the new WPC design report.
Attachment G1, Appendix <b>ED</b>	Create a new Attachment G1, Appendix <b>ED</b> , with the design drawings for the WPC as presented in Appendix D of the new WPC design report.
Attachment G1, Appendix G	Deleted the appendix in its entirety. New panel closure technical specifications were incorporated into the new Attachment G1, Appendix <b>DC</b> , that is being proposed for addition as part of this PMR.
Attachment G1, Appendix H	Deleted the appendix in its entirety. New panel closure

	design drawings were incorporated into the new Attachment G1, Appendix <del>ED</del> , that is being proposed for addition as part of this PMR.
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3. **(Volatile Organic Compound Monitoring Program Changes)** The Permittees have determined that Attachment A2, Section A2-1 and Attachment H, Section H-1 needs to be added to the Table of Changes and the Proposed Revised Permit Text. The revisions to these sections reflect the changes made in the PMR regarding concentrations of concern by changing “concentration of concern” to “limits” in Attachment A2, Section A2-1 and “concentrations of concern” to “limits” in Attachment H, Section H-1. The revised Permit text is provided below:

A2-1 Description of the Geologic Repository

Panels 1 through 8 will consist of seven rooms and two access drifts each. Panels 9 and 10 have yet to be designed. Access drifts connect the rooms and have the same cross section (see Section A2-2a(3)). The closure system installed in each HWDU after it is filled will prevent anyone from entering the HWDU and will restrict ventilation airflow. The point of compliance for air emissions from the Underground is Sampling Station VOC-A, as defined in Permit Attachment N (Volatile Organic Compound Monitoring Plan). Sampling Station VOC-A is the location where the concentration of volatile organic compounds (VOCs) in the air emissions from the Underground HWDUs will be measured and then compared to the VOC ~~concentration of concern~~ limits as required by Permit Part 4.

H-1 Post-Closure Plan

These monitoring programs will be carried out during the period between the closure of the first panel and the initiation of final facility closure for the underground facility. The Permittees have prepared a Volatile Organic Compound Monitoring Plan (VOCMP) which will be implemented to confirm that the annual average concentration of volatile organic compounds (VOCs) in the air emissions from the underground HWDUs do not exceed the VOC ~~concentrations of concern~~ limits listed in Permit Part 4 and Permit Attachment N, Table N-3.1. The VOCMP is provided in Attachment N. The VOCMP includes monitoring design, sampling and analysis procedures and quality assurance objectives. This plan is required to demonstrate compliance with 20.4.1.500 and .900 NMAC (incorporating 40 CFR §264.602 and §270.23(a)(2)).

4. **(Volatile Organic Compound Monitoring Program Changes)** Revise footnote 5 on page 6 of the Overview to the appropriate reference. The revised text to the Overview is provided below:

<sup>5</sup>DOE/WIPP 91-005, Rev. 6 (Appendix C2, Appendix D13) Title 40 CFR Part 191 Subparts B and C Compliance Recertification Application 2004, March 2004, DOE/WIPP 2004-3231, Appendix DATA, Attachment F, Table DATA-F-9. Transuranic Waste Inventory By Final Waste Form For WIPP

5. **(Volatile Organic Compound Monitoring Program Changes)** Delete the extra “in” from the sentence “...directly to its COC listed in ~~in the limits in~~ Permit Part 4, Table Section 4.6.2.3. This will establish...” in Attachment N, Section N-3e(1) on page B-20.
6. **(Volatile Organic Compound Monitoring Program Changes)** Remove the change from Attachment N, Section N-5a(5), page B-27 by deleting “90” and unstriking “95”. The Permittees are not requesting a change to the Completeness Quality Assurance Objective in Permit Attachment N, Section N-5a. The revised Permit text is provided below:

N-5a(5) Completeness

The expected completeness for this program is greater than or equal to 9590 percent. Data completeness will be tracked monthly.