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From: Biswell, David, NMENV
Sent: Monday, February 05, 2018 9:01 AM
To: Allen, Pam, NMENV
Cc: Maestas, Ricardo, NMENV
Subject: FW: WIPP Stakeholder Meeting Notes 1-11-2018
Attachments: WIPP Meeting Stakeholder Class 2 Permit Modification Meeting Notes Final.pdf;
DRAFT_Class_2_PMR_Clarification_of_TRU_Mixed_Waste_Disposal_Volume_Reporting.pdf



From: Hart, Jennifer, NMENV
Sent: Wednesday, January 24, 2018 7:47 AM
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Subject: WIPP Stakeholder Meeting Notes 1-11-2018

Ricardo,
Please find attached the DOE-OB's notes from the January 11th WIPP Stakeholder Meeting in Carlsbad, NM.
Please do not hesitate to contact me, Andrea, or Makayla with any questions.

Thank you,
Jennifer

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Attendance: Approximately 17

NMED, WIPP Oversight Bureau – Andrea Goodbar, Makayla Viehweg
Department of Energy – George Basabilvazo, Anthony Stone
Nuclear Waste Partners – Ashley Urquidez, Bob Kehrman, Rick Chavez,
Ashley Waldram
City of Carlsbad– Kyle Marksteiner, Richard Doss
John Heaton
NMED General Counsel

The following are meeting notes for the WIPP Stakeholder meeting held on January 11, 2018 in Carlsbad, New Mexico. The meeting was held at the Carlsbad Environmental Monitoring and Research Center (CEMRC), 1400 University Dr. from 10:30 am – 12:00pm. The purpose of the meeting was to provide a review of proposed permit modifications prior to submission and allow for public comment.

The meeting opened by thanking the attendees, introducing the presenters and stating that public comments would be accepted until February 1, 2018.

The proposed permit modification provides for the following changes:

- Clarify transuranic (TRU) mixed waste disposal volumes reported in Permit Part 4, Table 4.1.1, *Underground HWDUs*, in accordance with Permit Part 6, Section 6.10.1., *Panel Closure*

The purpose of the proposed permit modification is to clarify how the Permittees calculate final TRU mixed waste volumes for the purposes of reporting these volumes against the maximum hazardous waste disposal unit (HWDU) capacities prescribed by Permit Part 4, Table 4.1.1, *Underground HWDUs*. This modification also proposes to distinguish between the TRU mixed waste volume tracked and reported in Table 4.1.1 in accordance with Permit Part 6. In this regard, the proposed modification clarifies that the maximum permitted capacity of the WIPP repository would be based on the maximum permitted TRU mixed waste capacities of the individual HWDUs rather than the Land Withdrawal Act (LWA) TRU waste capacity limit of 6.2 million cubic feet (ft³) authorized by Congress in the WIPP LWA of 1992 (Public Law 102-579 as amended by Public Law 104-201).

The changes to be made to the Permit are described below stated from the presenter (Ashley Urquidez):

- Change the "Final Waste Volume" column heading to "Final TRU Mixed Waste Volume" to make it consistent with the new definition of "TRU Mixed Waste Volume" in Permit Part 1, Section 1.5., *Definitions*.
- Revise footnote 2 to clarify that the "Maximum Capacity" is the maximum TRU mixed waste volume that may be emplaced in each HWDU (panel) and is calculated based on the outermost disposal container volumes.
- Add footnote 3 to clarify that the Final TRU Mixed Waste Volume calculations



are based on the outermost disposal container volumes, not the LWA TRU waste volume of record disposed; the volume listed is reported pursuant to Permit Part 6, Section 6.10.1.,

Revise Permit Attachment B, *Hazardous Waste Permit Application Part A*, Form OMB#:2050-0024, Section 7, *Process Codes and Design Capacity*, and the continuation page for Section 7 to be consistent with the underground HWDU maximum capacities listed in Permit Part 4, Table 4.1.1, *Underground HWDUs*. The continuation page for Section 7 is also being revised to:

- Change the volume of WIPP wastes categorized as debris waste to a percentage of the waste anticipated for disposal in the WIPP repository because the final TRU mixed waste volume is not known at this time;
- Relocate text that explains that, for the purposes of the Part A application, all TRU waste is managed as though it were mixed to the beginning of the respective paragraph;

Revise the listed volume to make it consistent with the design capacities in Section 7 B;

- Clarify that the emplaced TRU mixed waste volume will not exceed the design capacity specified in Section 7 B;
- Clarify that the volume specified in Section 7 B is calculated based on the sum of the volumes of the outermost containers and cannot be exceeded for Panels 1 – 8;
- Clarify that the LWA TRU waste volume of record is tracked and reported separately by the DOE for the purposes of compliance with the WIPP LWA;
- Clarify that the process design capacities shown in Section 7 B are for the eight HWDUs in the geologic repository; and
- Clarify that the capacity of the Parking Area Unit is based on TRU mixed waste volume.

This PMR serves to distinguish between TRU mixed waste volume and LWA TRU waste volume of record. "TRU Mixed Waste Volume" means the volume of the outermost disposal container of TRU mixed waste. The permitted capacity of the WIPP facility is 6.2 million ft³ (175,564 m³) of TRU waste based on the WIPP LWA limitation. The permitted HWDUs are the panels, and currently Panels 1 - 8 are permitted for the disposal of TRU mixed waste, the proposed permit modification is intended to clarify the basis for the permitted maximum capacity of the WIPP repository and to modify the *Hazardous Waste Permit Part A* and the *Closure Plan* accordingly.

Comments/Questions:

John Heaton- Why are there two paths for defining the way we pack the containers.

Rick Chavez- *in response to John* it is container volume vs max capacity. The Land Withdrawal Act defines TRU waste as allowing space for air and how much space for Waste. It is the



physical size of the container as one tracking system and how much contact handled waste is allowable as another tracking system.

George Basabilvaso- Also stated that its different counting for Land Withdrawal Act and for RCRA.

John Heaton suggested graphics and illustrations to show the difference of inner and outer volume.

John Heaton asked to clarify the classification difference between a Class 2 permit modification and Class 3 permit modification. Why is this particular permit modification request (PMR) not a class 1 or a class 3?

George Basabilvaso- explained that the state determines the class level based on the complexity of the modification. NMED has 90 days to determine the PMR class level if the comments they receive from the public are significant enough to justify the change.

John Heaton made a statement that this is where graphics and illustrations could be very beneficial for the public.

Kyle Marksteiner asked when and how the community can give feedback

George Basabilvaso- once the PMR has been submitted then the public can voice their questions and concerns during any public meeting.

John Heaton is concerned that NMED will want to change the PMR to a class 3 rather than keep it class 2.

John Heaton- Is there a way to add additional graphics or illustrations so the public can get a better grasp of the definition of "overpacks"? The term "overpacking" can be a confusing concept to someone not familiar with the industry and can be misleading. Why are we running out of room in the panels if we have overpacked the drums?

John Heaton also stated that he thinks the Mayor's Nuclear taskforce goal should be to have more public input, public outreach for education and to promote more input from the community.

Class 2 Permit Modification Request
Clarification of TRU Mixed Waste Disposal Volume Reporting
Waste Isolation Pilot Plant
Carlsbad, New Mexico

WIPP Permit Number - NM4890139088-TSDF

December 2017

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Acronyms/Abbreviations/Units

CFR	Code of Federal Regulations
DOE	U.S. Department of Energy
ft ³	cubic feet
HWDU	Hazardous Waste Disposal Unit
LWA	Land Withdrawal Act
m ³	cubic meters
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
Permit PMR	WIPP Hazardous Waste Facility Permit Permit Modification Request
RCRA	Resource Conservation and Recovery Act
ROD	WIPP Final Environmental Impact Statement Record of Decision
TRU	transuranic
WIPP	Waste Isolation Pilot Plant

Overview of the Permit Modification Request

This document contains a Class 2 Permit Modification Request (**PMR**) for the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**) Number NM4890139088-TSDF.

This PMR is being submitted by the U.S. Department of Energy (**DOE**) and Nuclear Waste Partnership LLC, collectively referred to as the Permittees, in accordance with the Permit, Part 1, Section 1.3.1. (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (**CFR**) §270.42(b)). The modification provides for the following changes:

- Clarify transuranic (**TRU**) mixed waste disposal volumes reported in Permit Part 4, Table 4.1.1, *Underground HWDUs*, in accordance with Permit Part 6, Section 6.10.1., *Panel Closure*

The Permittees are proposing changes to the following Permit Parts and Attachments:

- Part 1, Section 1.5., *Definitions*
- Part 3, Section 3.3.1.8., *Shielded Container**
- Part 4, Table 4.1.1, *Underground HWDUs*
- Part 6, Section 6.5.2., *Final Facility Closure*
- Part 6, Section 6.10.1., *Panel Closure*
- Attachment A1, Section A1-1c(1), *Waste Handling Building Container Storage Unit (WHB Unit)*
- Attachment A1, Section A1-1f(1), *Secondary Containment Requirements for the WHB Unit*
- Attachment A2, Section A2-2a(3), *Subsurface Structures*
- Attachment B, *Hazardous Waste Permit Application Part A*
- Attachment C, Section C-8, *Reporting*
- Attachment G, Section G-1, *Closure Plan*
- Attachment G, Section G-1c, *Maximum Waste Inventory*
- Attachment H, Section H-1a(2), *Monitoring*
- Attachment H1, *Introduction*
- Attachment J, Table J-3, *Underground Hazardous Waste Disposal Units*

These changes do not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modification to the Permit and related supporting documents are provided in this PMR. The proposed modification to the text of the Permit has been identified using red text and double underline and a ~~strikeout~~ font for deleted information. All direct quotations are indicated by italicized text. The following information specifically addresses how compliance has been achieved with the Permit, Part 1, Section 1.3.1. for submission of this Class 2 PMR.

1. 20.4.1.900 NMAC (incorporating 40 CFR 270.42(b)(1)(i)) requires the applicant to describe the exact change to be made to the permit conditions and supporting documents referenced by the Permit.

The Permittees are proposing this modification to the Permit to clarify how the Permittees calculate final TRU mixed waste volumes for the purposes of reporting these volumes against the maximum hazardous waste disposal unit (HWDU) capacities prescribed by Permit Part 4, Table 4.1.1, *Underground HWDUs*. This modification also proposes to distinguish between the TRU mixed waste volume tracked and reported in Table 4.1.1 in accordance with Permit Part 6, Section 6.10.1., *Panel Closure*, pursuant to the Resource Conservation and Recovery Act (RCRA) through the Permit and the TRU waste volume of record tracked and reported separately by the DOE pursuant to the WIPP Land Withdrawal Act (LWA). In this regard, this modification clarifies that the maximum permitted capacity of the WIPP repository is based on the maximum permitted TRU mixed waste capacities of the individual HWDUs rather than the LWA TRU waste capacity limit of 6.2 million cubic feet (ft³) authorized by Congress in the WIPP LWA of 1992 (Public Law 102-579 as amended by Public Law 104-201).

The exact changes to be made to the Permit are described below:

- Add the following definitions to Permit Part 1, Section 1.5., *Definitions*, to distinguish between the TRU mixed waste volume tracked and reported by the Permittees pursuant to the RCRA through the Permit and the LWA TRU waste volume of record tracked and reported separately by the DOE pursuant to the WIPP LWA:

1.5.21. TRU Mixed Waste Volume

“TRU Mixed Waste Volume” means the volume of the outermost disposal container of TRU mixed waste pursuant to waste volumes in this Permit (for purposes of this Permit, all TRU waste is managed as though it were mixed). This volume is tracked and reported by the Permittees relative to the authorized maximum capacities in Permit Part 4, Table 4.1.1.

1.5.22. Land Withdrawal Act TRU Waste Volume of Record

“Land Withdrawal Act TRU Waste Volume of Record” means the volume of TRU waste inside a disposal container. This volume is tracked and reported separately by the DOE pursuant to the WIPP Land Withdrawal Act total capacity limit (Pub. L. 102-579, as amended).

- Revise Permit Part 3, Section 3.3.1.8., *Shielded Container**, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*.
- Revise Permit Part 4, Table 4.1.1, *Underground HWDUs*, as follows:

- Change the “Final Waste Volume” column heading to “Final TRU Mixed Waste Volume” to make it consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*.
- Revise footnote 2 to clarify that the “Maximum Capacity” is the maximum TRU mixed waste volume that may be emplaced in each HWDU (panel) and is calculated based on the outermost disposal container volumes.
- Add footnote 3 to clarify that the Final TRU Mixed Waste Volume calculations are based on the outermost disposal container volumes, not the LWA TRU waste volume of record disposed; the volume listed is reported pursuant to Permit Part 6, Section 6.10.1., *Panel Closure*; and the LWA TRU waste volume of record is tracked and reported separately by the DOE relative to the WIPP LWA total capacity limit.
- Revise Permit Part 6, Section 6.5.2., *Final Facility Closure*, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*.
- Revise Permit Part 6, Section 6.10.1., *Panel Closure*, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*, and to clarify that the final TRU mixed waste volume required to be reported once a panel is full is calculated based on the outermost disposal container volumes.
- Revise Permit Attachment A1, Section A1-1c(1), *Waste Handling Building Container Storage Unit (WHB Unit)*, and Section A1-1f(1), *Secondary Containment Requirements*, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*.
- Revise Permit Attachment A2, Section A2-2a(3), *Subsurface Structures*, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*; to reference the maximum capacities listed in Permit Part 4, Table 4.1.1, *Underground HWDUs*; and to delete the listed TRU mixed waste volumes.
- Revise Permit Attachment B, *Hazardous Waste Permit Application Part A*, Form OMB#:2050-0024, Section 7, *Process Codes and Design Capacity*, and the continuation page for Section 7 to be consistent with the underground HWDU maximum capacities listed in Permit Part 4, Table 4.1.1, *Underground HWDUs*. The continuation page for Section 7 is also being revised to:
 - Change the volume of WIPP wastes categorized as debris waste to a percentage of the waste anticipated for disposal in the WIPP repository because the final TRU mixed waste volume is not known at this time;
 - Relocate text that explains that, for the purposes of the Part A application, all TRU waste is managed as though it were mixed to the beginning of the respective paragraph;
 - Revise the listed volume to make it consistent with the design capacities in Section 7 B;

- Revise text to make it consistent with the new definition of “TRU Mixed Waste Volume” in Part 1, Section 1.5. *Definitions*;
 - Clarify that the emplaced TRU mixed waste volume will not exceed the design capacity specified in Section 7 B;
 - Clarify that the volume specified in Section 7 B is calculated based on the sum of the volumes of the outermost containers and cannot be exceeded for Panels 1 – 8;
 - Clarify that the LWA TRU waste volume of record is tracked and reported separately by the DOE for the purposes of compliance with the WIPP LWA;
 - Clarify that the process design capacities shown in Section 7 B are for the eight HWDUs in the geologic repository; and
 - Clarify that the capacity of the Parking Area Unit is based on TRU mixed waste volume.
- Revise Permit Attachment C, Section C-8, *Reporting*, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*.
 - Revise Permit Attachment G, Section G-1, *Closure Plan*, to clarify that waste disposal areas are the permitted HWDUs, remove the listed volume capacity, and reference the maximum capacities listed in Permit Part 4, Table 4.1.1. *Underground HWDUs*.
 - Revise Permit Attachment G, Section G-1c, *Maximum Waste Inventory*, to reference Permit Part 4, Table 4.1.1, *Underground HWDUs*, for the maximum TRU mixed waste volume in a disposal panel; remove the listed maximum TRU mixed waste volumes; and to make the text consistent with the new definition of “TRU Mixed Waste Volume”, in Permit Part 1, Section 1.5. *Definitions*.
 - Revise Permit Attachment H, Section H-1a(2), *Monitoring*, to make the text consistent with the new definition of “TRU Mixed Waste Volume” in Permit Part 1, Section 1.5., *Definitions*.
 - Revise Permit Attachment H1, *Introduction*, to delete the listed regulated capacity and to clarify that the waste emplacement and disposal phase will continue until DOE determines that there is no more TRU and TRU mixed waste to be disposed of in the facility.
 - Revise Attachment J, Table J-3, *Underground Hazardous Waste Disposal Units*, to delete the reference to the WIPP LWA total capacity limit of 6.2 million ft³.

Appendices A and B contain the proposed revised Permit text changes. The Table of Changes (Appendix A) describes each change that is being proposed, and the Proposed Revised Permit Text (Appendix B) shows the redline/strikeout to the existing Permit language.

2. 20.4.1.900 NMAC (incorporating 40 CFR 270.42(b)(1)(ii)), requires the applicant to identify that the modification is a Class 2 modification.

This PMR is a Class 2 modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR §270.42, Appendix I, Item A. *General Permit Provisions, 4. Changes in frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee, b. other changes...*2). This classification applies because the Permittees are proposing to change the procedure for reporting the volume of TRU mixed waste emplaced in the WIPP facility relative to the total capacity limit in the LWA and to clarify what volumes are reported pursuant to the Permit. The Permittees have determined that it is inappropriate to track and report the LWA TRU waste volume of record through the Permit; therefore, a separate mechanism is being developed to track and report this volume pursuant to the LWA. This proposed change is primarily accomplished by revising the footnotes in Permit Part 4, Table 4.1.1, to indicate that TRU mixed waste volume is calculated based on the outermost disposal container volume pursuant to the Permit and the LWA TRU waste volume of record is tracked and reported separately by the DOE. The footnote is also revised to clarify that the Final TRU Mixed Waste Volumes listed therein are reported pursuant to Permit Part 6, Section 6.10.1. These changes clarify that the TRU mixed waste volume reported in the Permit is based on the outermost container volume and is pursuant to the RCRA through the Permit and not to the LWA. Although this Permit modification is a Class 2 modification, the information below is provided for completeness.

This Permit modification also includes changes to Permit Attachment G, *Closure Plan*. Therefore, the change is a Class 1 modification requiring prior agency approval (Class 1*), pursuant to 20.4.1.900 NMAC (incorporating 40 CFR §270.42, Appendix I, Item D. *Closure, 1. Changes to the closure plan, a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Secretary...*11). The changes that are proposed to Permit Attachment G, Section G-1c, *Maximum Waste Inventory*, are associated with the maximum inventory of waste on-site at any time during the active life of the facility. The change modifies the total maximum capacity for the permitted HWDUs by deleting the reference to the 6.2 million ft³ total capacity limit of the WIPP LWA and, instead, referring to Permit Part 4, Table 4.1.1, *Underground HWDUs*.

3. 20.4.1.900 NMAC (incorporating 40 CFR 270.42(b)(1)(iii)), requires the applicant to explain why the modification is needed.

This PMR serves to distinguish between TRU mixed waste volume and LWA TRU waste volume of record. "TRU Mixed Waste Volume" means the volume of the outermost disposal container of TRU mixed waste. These disposal container volumes are described in Permit Part 3, Section 3.3.1., *Acceptable Storage Containers*. "Land Withdrawal Act TRU Waste Volume of Record" means the volume of TRU waste inside a disposal container. The need for providing the distinction between these two terms is discussed below. The changes proposed in this PMR are needed to clarify how the Permittees calculate and track final TRU mixed waste volumes for the purposes of reporting these volumes against the maximum capacities listed in Permit Part 4, Table 4.1.1, *Underground HWDUs*. This change is accomplished primarily by revising the footnotes in Permit Part 4, Table 4.1.1, to indicate that TRU mixed waste volume is calculated based on the outermost disposal container volume pursuant to the RCRA through the Permit and the LWA TRU waste volume of record is tracked and reported separately by the DOE.

Additionally, the proposed changes remove inconsistencies between the total maximum capacity prescribed by the Permit in Table 4.1.1 and the multiple references to the WIPP LWA

total capacity limit. The WIPP LWA limit was formulated by Congress as a limit on the amount of TRU waste the DOE can dispose in the WIPP facility and not as a RCRA disposal unit volume limit. At the time the Permittees prepared the Part B Permit Application, the WIPP LWA limit and the HWDU limit were considered to be the same. The LWA limit was based on the WIPP Final Environmental Impact Statement Record of Decision¹ (ROD) and presumed that the 6.2 million cubic feet of waste would be shipped to the WIPP facility in filled containers². The Part B Permit Application made the same presumption, along with the nominal dimensions of the underground HWDUs, in determining the total capacity for the facility. This assumption is reflected by the total capacity entered into Section 7 of the Part A Permit Application. This presumption is no longer valid for the following reasons:

- When the Permit was issued by the New Mexico Environment Department (NMED), it did not authorize the full capacity of the repository. Instead, the NMED chose to authorize the facility on a unit-by-unit basis, as reflected by the capacities listed in Table 4.1.1. However, the reference to the LWA limits, either explicit or implicit, were not changed. Therefore, Section 7 of the Part A Permit Application should reflect the total maximum capacity of the permitted HWDUs shown in Table 4.1.1 since that is the current authorized capacity.
- Experience with packaging waste at the generator/storage site has resulted in waste containers that are not full as presumed in the ROD. Generator/storage sites limit the amount of waste in a disposal container based on radiological and physical (e.g., weight) parameters. As more and more waste is packaged and shipped, the difference between the waste volume used to determine the ROD limits and the volume of the waste container becomes greater and greater such that it has reached the point where comparing disposed TRU mixed waste volume pursuant to the Permit limits no longer accurately reflects the authorized volume pursuant to the ROD or the LWA. For example, the volume of contact-handled TRU mixed waste disposed as of December 6, 2017, based on the outermost container volumes is 91,709 m³ while the volume based on the innermost container volumes, which would more accurately reflect the LWA TRU waste volume of record, is 65,347 m³.
- The presumption that the Permit volume and the LWA/ROD volume are linked is no longer valid, and language to this effect in the Permit constrains the DOE from achieving the goal of removing the entire inventory of TRU mixed waste from the generator/storage sites.

This proposed modification is needed to remove language from the Permit that is used to track the final waste volumes reported pursuant to the Permit against the WIPP LWA total capacity limit, thereby allowing the DOE to establish a separate and more efficient tracking mechanism for comparing the TRU waste volume that is disposed against the 6.2 million ft³ capacity limitation of the WIPP LWA.

The changes proposed in this PMR are appropriate because it is DOE's responsibility to manage the waste in a manner that assures that the mission of the WIPP facility is fulfilled. Congress has authorized the DOE to regulate TRU waste under its control. Section 203(a)(8) of

¹ Record of Decision for the WIPP Project, 46 Federal Register – 9162, January 23, 1981

² Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement, Eddy County, near Carlsbad, New Mexico, pages 3-8, DOE/EIS-0026-S-2, 1997

the Department of Energy Organization Act (Pub. L. 95-91), in particular Sections 203(a)(8)(B) and (G), give the DOE control over its waste and the authority to establish rules and regulations to implement the mandate. This mandate, which is stated below, would include the development of a method by which the DOE tracks the TRU waste volume that has been disposed against the WIPP LWA total capacity limit:

(8) Nuclear waste management responsibilities, including—

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, ' and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored on other than the site of a licensed nuclear power electric generating facility, except that nothing in this paragraph shall alter or effect title to such waste;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement the authority described in this paragraph, except that nothing in this section shall be construed as granting to the Department regulatory functions presently within the Nuclear Regulatory Commission, or any additional functions than those already conferred by law.

Under the RCRA, it is necessary to specify hazardous waste management unit capacities for permitting purposes. The capacity of an underground HWDU is measured in volume since the units represent physical volumes excavated within the salt formation. When developing the design of the permitted units, the amount of waste that could be accommodated within the HWDUs was determined by the size and number of containers that would physically fit within the mined volume³. Originally, this was specified in the Permit as 636,000 ft³ (18,000 cubic meters (m³)) based on the disposing of a combination of 55-gallon drums and standard waste boxes for contact-handled TRU mixed waste. As the types of containers expanded to include larger packages such as ten-drum overpacks, the capacity was expanded to up to 662,150 ft³ (18,750 m³). This change was made in the RH-311 Class 3 Permit Modification approved by the NMED in October 2006.

The Permit states in several places that the capacity of the WIPP facility is 6.2 million ft³ (175,564 m³) of TRU waste based on the WIPP LWA limitation. However, since the permitted HWDUs are the panels, and currently Panels 1 through 8 are permitted for the disposal of TRU mixed waste, the permitted capacity of the WIPP repository is more appropriately defined as the

³ RCRA Part B Permit Application, WIPP, Carlsbad, New Mexico, Revision 6.5, 1997.

sum of the individual maximum capacities of the eight panels, as listed in Permit Part 4, Table 4.1.1, *Underground HWDUs*, which equates to 151,135 m³. This proposed modification is necessary to clarify the basis for the permitted maximum capacity of the WIPP repository and to modify the *Hazardous Waste Permit Part A* and the *Closure Plan* accordingly. In the future, when the Permittees seek a Permit modification to allow for the disposal of TRU mixed waste in Panel 10, a revision to the maximum permitted capacity of the WIPP repository would be addressed at that time.

The TRU mixed waste volume is tracked and reported by the Permittees relative to the authorized disposal volumes in Permit Part 4, Table 4.1.1. Because the Permittees record the volume of the outermost disposal container in the WIPP Waste Information System, the TRU mixed waste volume is readily determined and is the basis for the volume currently recorded in the Permit Part 4, Table 4.1.1, *Underground HWDUs*, and Permit Attachment J, Table J-3, *Underground Hazardous Waste Disposal Units*. The outermost disposal container volume is the volume that the container occupies within the HWDU and, therefore, is directly related to meeting the disposal unit capacity limits, which assure safe management of the waste and closure of the HWDUs. To this extent, there are no changes to the volumes and capacities of the permitted HWDUs needed to implement this proposed Permit modification.

The LWA TRU waste volume of record will be tracked and reported separately by the DOE relative to the WIPP LWA limit. The LWA TRU waste volume of record is related to the quantity of waste that resides at the generator/storage sites prior to final packaging within the payload container and is directly related to the total capacity limit specified in the WIPP LWA. Generator/storage sites package TRU mixed waste in a manner that meets transportation and radiological limits, and the resulting container volume after packaging is usually much larger than the LWA TRU waste volume of record. After packaging, the LWA TRU waste volume of record inside a disposal container can be determined based on information recorded by the generator/storage sites. The specific method used for determining the LWA TRU waste volume of record will be developed and documented by the DOE.

- 4. 20.4.1.900 NMAC (incorporating 40 CFR 270.42(b)(1)(iv)), requires the applicant to provide the applicable information required by 40 CFR 270.13 through 270.21, 270.62 and 270.63.**

The regulatory crosswalk describes those portions of the Permit that are affected by this PMR. Where applicable, regulatory citations in this modification reference Title 20, Chapter 4, Part 1, NMAC, revised March 9, 2009, incorporating 40 CFR Parts 264 and 270. 40 CFR §§270.16 through 270.21, 270.62, and §270.63 are not applicable at WIPP. Consequently, they are not listed in the regulatory crosswalk table. Title 40 CFR §270.23 is applicable to the WIPP HWDUs. This modification does not impact the conditions associated with the HWDUs.

- 5. 20.4.1.900 NMAC (incorporating 40 CFR 270.11(d)(1) and 40 CFR 270.30(k)), requires that any person signing under paragraph a and b must certify the document in accordance with 20.4.1.900 NMAC.**

The transmittal letter for this PMR contains the signed certification statement in accordance with Permit Part 1, Section 1.9.

Regulatory Crosswalk

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Added or Clarified Information		
			Section of the Permit or Permit	Yes	No
§270.13		Contents of Part A permit application	Attachment B, Part A	✓	
§270.14(b)(1)		General facility description	Attachment A		✓
§270.14(b)(2)	§264.13(a)	Chemical and physical analyses	Attachment C		✓
§270.14(b)(3)	§264.13(b)	Development and implementation of waste analysis plan	Attachment C		✓
	§264.13(c)	Off-site waste analysis requirements	Attachment C		✓
§270.14(b)(4)	§264.14(a-c)	Security procedures and equipment	Part 2.6		✓
§270.14(b)(5)	§264.15(a-d)	General inspection requirements	Attachment E		✓
	§264.174	Container inspections	Attachment E		✓
§270.23(a)(2)	§264.602	Miscellaneous units inspections	Attachment E		✓
§270.14(b)(6)		Request for waiver from preparedness and prevention requirements of Part 264 Subpart C	NA		✓
§270.14(b)(7)	264 Subpart D	Contingency plan requirements	Attachment D		✓
	§264.51	Contingency plan design and implementation	Attachment D		✓
	§264.52 (a) & (c-f)	Contingency plan content	Attachment D		✓
	§264.53	Contingency plan copies	Attachment D		✓
	§264.54	Contingency plan amendment	Attachment D		✓
	§264.55	Emergency coordinator	Attachment D		✓
	§264.56	Emergency procedures	Attachment D		✓
§270.14(b)(8)		Description of procedures, structures or equipment for:	Part 2.10		✓
§270.14(b)(8) (i)		Prevention of hazards in unloading operations (e.g., ramps and special forklifts)	Part 2.10		✓
§270.14(b)(8) (ii)		Runoff or flood prevention (e.g., berms, trenches, and dikes)	Part 2.10		✓
§270.14(b)(8) (iii)		Prevention of contamination of water supplies	Part 2.10		✓
§270.14(b)(8) (iv)		Mitigation of effects of equipment failure and power outages	Part 2.10		✓
§270.14(b)(8) (v)		Prevention of undue exposure of personnel (e.g., personal protective equipment)	Part 2.10		✓
§270.14(b)(8) (vi) §270.23(a)(2)	§264.601	Prevention of releases to the atmosphere	Part Part 4 Attachment A2 Attachment N		✓
	264 Subpart C	Preparedness and Prevention	Part 2.10		✓
	§264.31	Design and operation of facility	Part 2.10		✓
	§264.32	Required equipment	Part 2.10 Attachment D		✓
	§264.33	Testing and maintenance of equipment	Attachment E		✓
	§264.34	Access to communication/alarm system	Part 2.10		✓

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Added or Clarified Information		
			Section of the Permit or Permit	Yes	No
	§264.35	Required aisle space	Part 2.10		✓
	§264.37	Arrangements with local authorities	Attachment D		✓
§270.14(b)(9)	§264.17(a-c)	Prevention of accidental ignition or reaction of ignitable, reactive, or incompatible wastes	Part 2.10		✓
§270.14(b)(10)		Traffic pattern, volume, and controls, for example: Identification of turn lanes Identification of traffic/stacking lanes, if appropriate Description of access road surface Description of access road load-bearing capacity Identification of traffic controls	Attachment A4		✓
§270.14(b)(11)(i) and (ii)	§264.18(a)	Seismic standard applicability and requirements	Part B, Rev. 6 Chapter B		✓
§270.14(b)(11)(iii-v)	§264.18(b)	100-year floodplain standard	Part B, Rev. 6 Chapter B		✓
	§264.18(c)	Other location standards	Part B, Rev. 6 Chapter B		✓
§270.14(b)(12)	§264.16(a-e)	Personnel training program	Part 2 Attachment F		✓
§270.14(b)(13)	264 Subpart G	Closure and post-closure plans	Attachment G & H	✓	
§270.14(b)(13)	§264.111	Closure performance standard	Attachment G		✓
§270.14(b)(13)	§264.112(a), (b)	Written content of closure plan	Attachment G	✓	
§270.14(b)(13)	§264.112(c)	Amendment of closure plan	Attachment G	✓	
§270.14(b)(13)	§264.112(d)	Notification of partial and final closure	Attachment G	✓	
§270.14(b)(13)	§264.112(e)	Removal of wastes and decontamination/dismantling of equipment	Attachment G		✓
§270.14(b)(13)	§264.113	Time allowed for closure	Attachment G	✓	
§270.14(b)(13)	§264.114	Disposal/decontamination	Attachment G		✓
§270.14(b)(13)	§264.115	Certification of closure	Attachment G		✓
§270.14(b)(13)	§264.116	Survey plat	Attachment G		✓
§270.14(b)(13)	§264.117	Post-closure care and use of property	Attachment H		✓
§270.14(b)(13)	§264.118	Post-closure plan; amendment of plan	Attachment H		✓
§270.14(b)(13)	§264.178	Closure/containers	Attachment G		✓
§270.14(b)(13)	§264.601	Environmental performance standards-Miscellaneous units	Attachment G		✓
§270.14(b)(13)	§264.603	Post-closure care	Attachment G		✓
§270.14(b)(14)	§264.119	Post-closure notices	Attachment H		✓
§270.14(b)(15)	§264.142	Closure cost estimate	NA		✓
	§264.143	Financial assurance	NA		✓
§270.14(b)(16)	§264.144	Post-closure cost estimate	NA		✓
	§264.145	Post-closure care financial assurance	NA		✓

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Added or Clarified Information		
			Section of the Permit or Permit	Yes	No
§270.14(b)(17)	§264.147	Liability insurance	NA		✓
§270.14(b)(18)	§264.149-150	Proof of financial coverage	NA		✓
§270.14(b)(19)(i), (vi), (vii), and (x)		Topographic map requirements Map scale and date Map orientation Legal boundaries Buildings Treatment, storage, and disposal operations Run-on/run-off control systems Fire control facilities	Attachment B Part A	✓	
§270.14(b)(19)(ii)	§264.18(b)	100-year floodplain	Attachment B Part A		✓
§270.14(b)(19)(iii)		Surface waters	Attachment B Part A		✓
§270.14(b)(19)(iv)		Surrounding Land use	Attachment B Part A		✓
§270.14(b)(19)(v)		Wind rose	Attachment B Part A		✓
§270.14(b)(19)(viii)	§264.14(b)	Access controls	Attachment B Part A		✓
§270.14(b)(19)(ix)		Injection and withdrawal wells	Attachment B Part A		✓
§270.14(b)(19)(xi)		Drainage on flood control barriers	Attachment B Part A		✓
§270.14(b)(19)(xii)		Location of operational units	Attachment B Part A		✓
§270.14(b)(20)		Other federal laws Wild and Scenic Rivers Act National Historic Preservation Act Endangered Species Act Coastal Zone Management Act Fish and Wildlife Coordination Act Executive Orders	Attachment B Part A		✓
§270.15	§264 Subpart I	Containers	Attachment A1	✓	
	§264.171	Condition of containers	Attachment A1	✓	
	§264.172	Compatibility of waste with containers	Attachment A1		✓
	§264.173	Management of containers	Attachment A1		✓
	§264.174	Inspections	Attachment E Attachment A1		✓
§270.15(a)	§264.175	Containment systems	Attachment A1		✓
§270.15(c)	§264.176	Special requirements for ignitable or reactive waste	Part 2		✓
§270.15(d)	§264.177	Special requirements for incompatible wastes	Part 2		✓
	§264.178	Closure	Attachment G		✓
§270.15(e)	§264.179	Air emission standards	Part 4 Attachment N		✓
§270.23	264 Subpart X	Miscellaneous units	Attachment A2	✓	

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Added or Clarified Information		
			Section of the Permit or Permit	Yes	No
§270.23(a)	§264.601	Detailed unit description	Attachment A2	✓	
§270.23(b)	§264.601	Hydrologic, geologic, and meteorologic assessments	Part 5 Attachment L		✓
§270.23(c)	§264.601	Potential exposure pathways	Part 4 Attachment A2 Attachment N		✓
§270.23(d)		Demonstration of treatment effectiveness	NA		✓
	§264.602	Monitoring, analysis, inspection, response, reporting, and corrective action	Part 2 Part 4 Part 5 Attachment A2 Attachment N	✓	
	§264.603	Post-closure care	Attachment H Attachment H1	✓	
	264 Subpart E	Manifest system, record keeping, and reporting	Part 2 Attachment C		✓

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**Appendix A
Table of Changes**

Table of Changes

Affected Permit Section	Explanation of Change
Part 1, Section 1.5., <i>Definitions</i>	Added two new definitions for "TRU Mixed Waste Volume" and "Land Withdrawal Act TRU Waste Volume of Record."
Part 3, Section 3.3.1.8., <i>Shielded Container</i>	Added "RH TRU mixed waste" before "volume limits." Deleted "associated with RH TRU mixed waste."
Part 4, Table 4.1.1, <i>Underground HWDUs</i>	Added "TRU Mixed" after "Final" in the last column heading. Added a superscript "3" in the last column. Deleted "volume of" in footnote 2. Added "volume" after "TRU mixed waste" in footnote 2. Replaced "The maximum repository capacity of '6.2 million cubic feet of transuranic waste' is specified in the WIPP Land Withdrawal Act (Pub. L. 102-579, as amended)" with "This volume is calculated based on the outermost disposal container volumes." Added new footnote 3 "Final TRU Mixed Waste Volume calculations are based on the outermost disposal container volumes, not the Land Withdrawal Act TRU Waste Volume of Record disposed. The volume listed here is reported pursuant to Permit Part 6, Section 6.10.1. The Land Withdrawal Act TRU Waste Volume of Record is tracked and reported separately by the DOE relative to the WIPP Land Withdrawal Act total capacity limit (Pub. L. 102-579, as amended)."
Part 6, Section 6.5.2., <i>Final Facility Closure</i>	Replaced "receiving the final volume of TRU mixed waste" with "the HWDUs have been filled."
Part 6, Section 6.10.1., <i>Panel Closure</i>	Deleted "volume of." Added "volume, calculated based on the outermost disposal container volumes," after "TRU mixed waste." Replaced "panel" with "Underground HWDU TRU mixed waste."
Attachment A1, Section A1-1c(1), <i>Waste Handling Building Container Storage Unit (WHB Unit)</i>	Added "TRU mixed waste" between "maximum" and "volume." Deleted "of waste" between "volume" and "in." Deleted "volume of." Added "volume" after "TRU mixed waste."
Attachment A1, Section A1-1f(1), <i>Secondary Containment Requirements for the WHB Unit</i>	Deleted "volume of" in four places. Added "volume" after "TRU mixed waste" in four places.
Attachment A2, Section A2-2a(3), <i>Subsurface Structures</i>	Deleted "volume of CH." Added "volume" after "TRU mixed waste." Replaced "5,244,900 ft ³ (148,500 m ³) and the volume of RH TRU mixed waste shall not exceed 93,050 ft ³ (2,635 m ³)" with "the maximum capacities listed in Permit Part 4, Table 4.1.1 for each HWDU." Added "TRU mixed" before "waste volumes."
Attachment B, <i>Hazardous Waste Permit Application Part A</i>	Deleted "X04 175600.00 C 010" and replaced with "X04 18000.00 C 002", "X04 18750.00 C 001", "X04 19106.00 C 001", "X04 19195.00 C 001", "X04 19284.00 C 001", and "X04 19400.00 C 002" in Section 7 B. Replaced "120,000 cubic meters (m ³) of the 175,600 m ³ " with "70 percent" in the first paragraph of continuation page. Deleted "WIPP" in the first paragraph of continuation page. Replaced "wastes" with "waste" in the first paragraph of continuation page. Added "anticipated for disposal in the WIPP repository" after "waste" in

Affected Permit Section	Explanation of Change
	<p>the first paragraph of continuation page.</p> <p>Moved "For purposes of this application, all TRU waste is managed as though it were mixed." to the beginning of the second paragraph of the continuation page.</p> <p>Replaced "total amount of waste received from off-site generators and any derived" with "emplaced TRU mixed" in the second paragraph of the continuation page.</p> <p>Added "volume" after "waste" in the second paragraph of the continuation page.</p> <p>Replaced "be limited to 175,600 m³ of TRU waste of which up to 7,080 m³ may be remote-handled (RH) TRU mixed waste" with "not exceed the design capacity specified in Section 7 B" in the second paragraph of the continuation page.</p> <p>Added "This volume is calculated based on the volumes of the outermost disposal containers and cannot exceed 151,135 m³ for Panels 1 through 8. The Land Withdrawal Act (LWA) TRU waste volume of record is tracked and reported separately by the DOE for the purposes of compliance with the WIPP LWA." to the second paragraph of the continuation page.</p> <p>Replaced "capacity" with "capacities" in the third paragraph of the continuation page.</p> <p>Added "each of" after "for" in the third paragraph of the continuation page.</p> <p>Replaced "miscellaneous unit (composed of ten undergrounds HWMUs in the geologic repository" with "eight underground HWMUs in the geologic repository (i.e., miscellaneous unit) are" in the third paragraph of the continuation page.</p> <p>Deleted ", is for the maximum amount of waste that may be received from off-site generators plus the maximum expected amount of derived wastes that may be generated at the WIPP facility" in the third paragraph of the continuation page.</p> <p>Added "TRU mixed waste" after "combined" in the third paragraph of the continuation page.</p> <p>Replaced the space with a hyphen between "ten" and "year" to read "ten-year" in the third paragraph of the continuation page.</p> <p>Added "a CH TRU mixed waste volume of" before and deleted "of CH TRU mixed waste" after "up to 148,500 m³" in the third paragraph of the continuation page.</p> <p>Added "an RH TRU mixed waste volume" before and deleted "of RH TRU mixed waste" after "up to 2,635 m³" in the third paragraph of the continuation page.</p> <p>Added "for a total of 151,135 m³, as shown in Section 7 B" after "Panels 4 to 8" in the third paragraph of the continuation page.</p>
Attachment C, Section C-8, <i>Reporting</i>	Replaced "actual" with "TRU mixed waste."
Attachment G, Section G-1, <i>Closure Plan</i>	<p>Replaced "waste disposal areas" with "permitted HWDUs."</p> <p>Replaced "when the WIPP achieves its capacity of 6.2 million cubic feet (ft³) (175,564 cubic meters (m³)) of TRU waste" with "have achieved their maximum capacities as outlined in Permit Part 4, Table 4.1.1."</p>
Attachment G, Section G-1c, <i>Maximum Waste Inventory</i>	<p>Added "The maximum waste inventory (total maximum capacity) for the permitted HWDUs is established in Permit Part 4, Table 4.1.1."</p> <p>Deleted "The WIPP will receive no more than 6.2 million ft³ (175,564 m³) of TRU mixed waste, which may include up to 250,000 ft³ (7,079 m³) of remote-handled (RH) TRU mixed waste."</p>

Affected Permit Section	Explanation of Change
	<p>Replaced "Waste" with "Transuranic mixed waste."</p> <p>Deleted "The maximum volume of TRU mixed waste in a disposal panel is established in Permit Part 4, Table 4.1.1. For closure planning purposes, a maximum achievable volume of 685,100 ft³ (19,400 m³) of TRU mixed waste per panel is used. This equates to 662,150 ft³ (18,750 m³) of contact-handled (CH) TRU mixed waste and 22,950 ft³ (650 m³) of RH TRU mixed waste per panel."</p>
Attachment H, Section H-1a(2), <i>Monitoring</i>	Added "TRU mixed waste" before and deleted "of waste" after "volume."
Attachment H1, <i>Introduction</i>	<p>Replaced "regulated capacity of the repository of 6,200,000 cubic feet (175,588 cubic meters) of" with "DOE determines there is no additional."</p> <p>Replaced "has been reached" with "to be disposed of in the facility."</p>
Attachment J, Table J-3, <i>Underground Hazardous Waste Disposal Units</i>	Deleted "The maximum repository capacity of "6.2 million cubic feet of transuranic waste" is specified in the WIPP Land Withdrawal Act (Pub. L. 102-579, as amended)" in footnote 2.

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**Appendix B
Proposed Revised Permit Text**

Proposed Revised Permit Text:

PART 1 - GENERAL PERMIT CONDITIONS

1.5. DEFINITIONS

Unless otherwise expressly provided herein, the terms used in this Permit shall have the meaning set forth in RCRA, HWA, and/or their implementing regulations.

1.5.21. TRU Mixed Waste Volume

“TRU Mixed Waste Volume” means the volume of the outermost disposal container of TRU mixed waste pursuant to waste volumes in this Permit (for purposes of this Permit, all TRU waste is managed as though it were mixed). This volume is tracked and reported by the Permittees relative to the authorized maximum capacities in Permit Part 4, Table 4.1.1.

1.5.22. Land Withdrawal Act TRU Waste Volume of Record

“Land Withdrawal Act TRU Waste Volume of Record” means the volume of TRU waste inside a disposal container. This volume is tracked and reported separately by the DOE relative to the WIPP Land Withdrawal Act total capacity limit (Pub. L. 102-579, as amended).

PART 3 - CONTAINER STORAGE

3.3. CONDITION OF CONTAINERS

3.3.1. Acceptable Storage Containers

3.3.1.8. Shielded Container*

Each shielded container contains a 30-gallon inner container with a gross internal volume of 4.0 ft³ (0.11m³). Shielded containers contain RH TRU mixed waste, but shielding will allow it to be managed and stored as CH TRU mixed waste. For the purpose of this Permit, shielded containers will be managed, stored, and disposed as CH TRU mixed waste, but will be counted towards the RH TRU mixed waste volume limits ~~associated with RH TRU mixed waste~~. Shielded containers may be overpacked into standard waste box or ten drum overpack.

* “Shielded Container” refers to the container depicted in Figure A1-37.

PART 4 - GEOLOGIC REPOSITORY DISPOSAL

Description¹	Waste Type	Maximum Capacity²	Final TRU Mixed Waste Volume³
Panel 1	CH TRU	636,000ft ³ (18,000 m ³)	370,800 ft ³ (10,500 m ³)
Panel 2	CH TRU	636,000 ft ³ (18,000 m ³)	635,600 ft ³ (17,998 m ³)
Panel 3	CH TRU	662,150 ft ³ (18,750 m ³)	603,600 ft ³ (17,092 m ³)
Panel 4	CH TRU	662,150 ft ³ (18,750 m ³)	503,500 ft ³ (14,258 m ³)
	RH TRU	12,570 ft ³ (356 m ³)	6,200 ft ³ (176 m ³)
Panel 5	CH TRU	662,150 ft ³ (18,750 m ³)	562,500 ft ³ (15,927m ³)
	RH TRU	15,720 ft ³ (445 m ³)	8,300 ft ³ (235 m ³)
Panel 6	CH TRU	662,150 ft ³ (18,750 m ³)	510,900 ft ³ (14,468 m ³)
	RH TRU	18,860 ft ³ (534 m ³)	7,500 ft ³ (214 m ³)
Panel 7	CH TRU	662,150 ft ³ (18,750 m ³)	
	RH TRU	22,950 ft ³ (650 m ³)	
Panel 8	CH TRU	662,150 ft ³ (18,750 m ³)	
	RH TRU	22,950 ft ³ (650 m ³)	
Total	CH TRU	5,244,900 ft³ (148,500 m³)	
	RH TRU	93,050 ft³ (2,635 m³)	

¹ The area of each panel is approximately 124,150 ft² (11,533 m²).

² "Maximum Capacity" is the maximum volume of TRU mixed waste volume that may be emplaced in each panel. This volume is calculated based on the outermost disposal container volumes. The maximum repository capacity of "6.2 million cubic feet of transuranic waste" is specified in the WIPP Land Withdrawal Act (Pub. L. 102-579, as amended)

³ Final TRU Mixed Waste Volume calculations are based on the outermost disposal container volumes, not the Land Withdrawal Act TRU Waste Volume of Record disposed. The volume listed here is reported pursuant to Permit Part 6, Section 6.10.1. The Land Withdrawal Act TRU Waste Volume of Record is tracked and reported separately by the DOE relative to the WIPP Land Withdrawal Act total capacity limit (Pub. L. 102-579, as amended).

PART 6 – CLOSURE REQUIREMENTS

6.5. TIME ALLOWED FOR CLOSURE

6.5.2. Final Facility Closure

After the HWDUs have been filled receiving the final volume of TRU mixed waste, the Permittees shall remove from the facility all non-mixed hazardous waste, dispose in the Underground HWDUs all TRU-mixed hazardous waste and derived waste, and complete closure activities as specified in Permit Attachment G and as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.113).

6.10. CLOSURE OF PERMITTED DISPOSAL UNITS

6.10.1. Panel Closure

Upon completion of disposal in an Underground HWDU, the Permittees shall provide written notification to the Secretary stating the final ~~volume of TRU mixed waste~~ volume, calculated based on the outermost disposal container volumes, emplaced in the Underground HWDU. The Permittees shall also close the Underground HWDU as specified in Permit Attachment G and Permit Attachment G1 (Detailed Design Report for an Operation Phase Panel Closure System). The Permittees shall post a link to the final ~~panel~~ Underground HWDU TRU mixed waste volume notice transmittal letter on the WIPP Home Page and inform those on the e-mail notification list as specified in Permit Section 1.11.

ATTACHMENT A1

CONTAINER STORAGE

A1-1 Container Storage

A1-1c Description of the Container Storage Units

A1-1c(1) Waste Handling Building Container Storage Unit (WHB Unit)

CH TRU Mixed Waste

- TRUPACT-II and HalfPACT Management

In addition, four Contact-Handled Packages, containing up to eight 7-packs, 3-packs, 4-packs, SWBs, or four TDOPs, may occupy positions at the TRUDOCKs. If waste containers are left in this area, they will be in the Contact-Handled Package with or without the shipping container lids removed. The maximum TRU mixed waste volume of ~~waste~~-in containers in four Contact-Handled Packages is 640 ft³ (18.1 m³).

The Derived Waste Storage Area of the WHB Unit is on the north wall of the CH Bay. This area will contain containers up to the volume of a SWB for collecting derived waste from all TRU mixed waste handling processes in the WHB Unit. The Derived Waste Storage Area is being permitted to allow containers in size up to a SWB to be used to accumulate derived waste. The ~~volume of~~ TRU mixed waste volume stored in this area will be up to 66.3 ft³ (1.88 m³). The derived waste containers in the Derived Waste Storage Area will be stored on standard drum pallets, which are polyethylene trays with a grated deck, which will elevate the derived waste containers approximately 6 in. (15 cm) from the floor surface, and provide approximately 50 gal (190 L) of secondary containment capacity.

A1-1f Containment

A1-1f(1) Secondary Containment Requirements for the WHB Unit

The maximum ~~volume of~~ TRU mixed waste volume on facility pallets that will be stored in the CH Bay Storage and Surge Storage Areas of the WHB is 18 facility pallets @ 2 TDOPs per pallet = 36 TDOPs of waste. 36 TDOPs @ 1,200 gal (4,540 L) per TDOP = 43,200 gal (163,440L) waste container capacity. 43,200 gal (163,440 L) x ten percent of the total volume = 4,320 gal (16,344 L) of waste. Since 4,320 gal (16,344 L) is greater than 1,200 gal (4,540 L), the configuration of possible TDOPs in the storage area is used for the calculation of secondary

containment requirements. $4,320 \text{ gal (16,344 L) of liquid} \times \text{one percent liquids} = 43.2 \text{ gal (163.4 L) of liquid}$ for which secondary containment is needed.

The maximum ~~volume of~~ TRU mixed waste volume that will be stored in the Derived Waste Storage Area of the WHB Unit is one SWB. 1 SWBs @ 496 gal (1,878 L) per SWB = 496 gal (1,878 L) waste container capacity. Since the maximum storage volume of 496 gal (1,878 L) is equal to the volume of the largest single container, the volume of the a single SWB is used for the calculation of secondary containment requirements. $496 \text{ gal (1,878 L) of liquid} \times \text{one percent liquids} = 4.96 \text{ gal (18.8 L) of liquid}$ for which secondary containment is needed.

The maximum ~~volume of~~ TRU mixed waste volume that will be stored in the Hot Cell is 13 RH TRU drums @ 55 gal (210 L) per drum = 715 (2,730 L) of waste in drums. $715 \text{ gal (2,730 L) of waste} \times \text{ten percent of total volume} = 71.5 \text{ gal (273 L) of waste}$. Secondary containment for liquids will need to have a capacity of 71.5 gal (273 L). Since 71.5 gal (273 L) is less than the volume of the single container of 235 gal (890 L) therefore, the larger volume is used for determining the secondary containment requirements. $235 \text{ gal (890 L) of waste} \times \text{one percent liquids} = 2.35 \text{ gal (8.9 L) of liquid}$ needed for secondary containment.

The maximum ~~volume of~~ TRU mixed waste volume that will be stored in the Transfer Cell is one RH-TRU 72-B Canister or one Facility Canister @ 235 gal (890 L) per canister \times ten percent of total volume = 23.5 gal (8.90 L) of waste. Since 23.5 gal (8.90 L) is less than the volume of the single container of 235 gal (890 L) therefore, the larger volume is used for determining the secondary containment requirements. $235 \text{ gal (890 L) of waste} \times \text{one percent liquids} = 2.35 \text{ gal (8.9 L) of liquid}$ needed for secondary containment.

ATTACHMENT A2

GEOLOGIC REPOSITORY

A2-2 Geologic Repository Design and Process Description

A2-2a Geologic Repository Design and Construction

A2-2a(3) Subsurface Structures

Underground Hazardous Waste Disposal Units (HWDUs)

During the terms of this and the preceding Permit, the volume of CH-TRU mixed waste volume emplaced in the repository will not exceed 5,244,900 ft³ (148,500 m³) and the volume of RH TRU mixed waste shall not exceed 93,050 ft³ (2,635 m³) the maximum capacities listed in Permit Part 4, Table 4.1.1 for each HWDU. CH TRU mixed waste will be disposed of in Underground HWDUs identified as Panels 1 through 8. RH TRU mixed waste may be disposed of in Panels 4 through 8.

As currently planned, future Permits may allow disposal of TRU mixed waste containers in two additional panels, identified as Panels 9 and 10. Disposal of TRU mixed waste in Panels 9 and 10 is prohibited under this Permit. If TRU mixed waste volumes disposed of in the eight panels fail to reach the stated design capacity, the Permittees may request a Permit to allow disposal of TRU mixed waste in the four main entries and crosscuts adjacent to the waste panels (referred to as the disposal area access drifts). These areas are labeled Panels 9 and 10 in Figure A2-1. A permit modification or future permit would be submitted describing the condition of those drifts and the controls exercised for personnel safety and environmental protection while disposing of waste in these areas. These areas have the following nominal dimensions:

ATTACHMENT B HAZARDOUS WASTE PERMIT APPLICATION PART A

EPA ID Number [N | M | 4 | 8 | 9 | 0 | 1 | 3 | 9 | 0 | 8 | 8]

OMB#: 2050-0024; Expires 01/31/2017

7. Process Codes and Design Capacities (Continued)										
EXAMPLE FOR COMPLETING Item 7 (shown in line number X-1 below): A facility has a storage tank, which can hold 533.788 gallons.										
Line Number	A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY		C. Process Total Number of Units	For Official Use Only			
				(1) Amount (Specify)	(2) Unit of Measure					
X 1	S	0	2	533.788	G	001				
1	X	0	4	175600.00	C	010				
2	S	0	1	194.1	C	001				
3	S	0	1	242.0	C	001				
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
<p>Note: If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the line sequentially, taking into account any lines that will be used for "other" process (i.e., D99, S99, T04, and X99) in Item 8.</p>										
8. Other Processes (Follow instructions from Item 7 for D99, S99, T04, and X99 process codes)										
Line Number (Enter #s in sequence with Item 7)	A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY		C. Process Total Number of Units	For Official Use Only			
				(1) Amount (Specify)	(2) Unit of Measure					
X 2	T	0	4	100.00	U	001				

EPA ID Number **N M 4 8 9 0 1 3 9 0 8 8**

OMB#: 2050-0024; Expires 01/31/2017

7. Process Codes and Design Capacities (Continued)

EXAMPLE FOR COMPLETING Item 7 (shown in line number X-1 below): A facility has a storage tank, which can hold 533.788 gallons.

Line Number	A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY		C. Process Total Number of Units	For Official Use Only				
				(1) Amount (Specify)	(2) Unit of Measure						
X 1	S	0	2	533.788	G	001					
1	X	0	4	18000.00	C	002					
2	X	0	4	18750.00	C	001					
3	X	0	4	19106.00	C	001					
4	X	0	4	19195.00	C	001					
5	X	0	4	19284.00	C	001					
6	X	0	4	19400.00	C	002					
7	S	0	1	194.1	C	001					
8	S	0	1	242.0	C	001					
9											
1 0											
1 1											
1 2											
1 3											

Note: If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the line sequentially, taking into account any lines that will be used for "other" process (i.e., D99, S99, T04, and X99) in Item 8.

8. Other Processes (Follow instructions from Item 7 for D99, S99, T04, and X99 process codes)

Line Number (Enter #s in sequence with Item 7)	A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY		C. Process Total Number of Units	For Official Use Only				
				(1) Amount (Specify)	(2) Unit of Measure						
X 2	T	0	4	100.00	U	001					

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7. PROCESS—CODES AND DESIGN CAPACITIES (continued)

The Waste Isolation Pilot Plant (WIPP) geologic repository is defined as a “miscellaneous unit” under 40 CFR §260.10. “Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, waste pile, land treatment unit, landfill, incinerator, containment building, boiler, industrial furnace, or underground injection well with appropriate technical standards under 40 CFR Part 146, corrective action management unit, or unit eligible for research, development, and demonstration permit under 40 CFR §270.65. The WIPP is a geologic repository designed for the disposal of defense-generated transuranic (TRU) waste. Some of the TRU wastes disposed of at the WIPP contain hazardous wastes as co-contaminants. More than half the waste to be disposed of at the WIPP also meets the definition of debris waste. The debris categories include manufactured goods, biological materials, and naturally occurring geological materials. Approximately 120,000 cubic meters (m^3) of the 175,600 m^3 70 percent of WIPP wastes anticipated for disposal in the WIPP repository is categorized as debris waste. The geologic repository has been divided into ten discrete hazardous waste management units (HWMU) which are being permitted under 40 CFR Part 264, Subpart X.

For purposes of this application, all TRU waste is managed as though it were mixed. During the Disposal Phase of the facility, which is expected to last 25 years, the ~~total amount of waste received from off-site generators and any derived~~ emplaced TRU mixed waste volume will be limited to 175,600 m^3 of TRU waste of which up to 7,080 m^3 may be remote-handled (RH) TRU mixed waste not exceed the design capacity specified in Section 7 B. For purposes of this application, ~~all TRU waste is managed as though it were mixed.~~ This volume is calculated based on the volumes of the outermost disposal containers and cannot exceed 151,135 m^3 for Panels 1 through 8. The Land Withdrawal Act (LWA) TRU waste volume of record is tracked and reported separately by the DOE for the purposes of compliance with the WIPP LWA.

The process design capacities ~~iesy~~ for each of the miscellaneous unit (composed of ten underground HWMUs in the geologic repository) eight underground HWMUs in the geologic repository (i.e., miscellaneous unit) are shown in Section 7 B, is for the maximum amount of waste that may be received from off-site generators plus the maximum expected amount of derived wastes that may be generated at the WIPP facility. In addition, two HWMUs have been designated as container storage units (S01) in Section 7 B. One is inside the Waste Handling Building (WHB) and consists of the contact-handled (CH) bay, waste shaft conveyance loading room, waste shaft conveyance entry room, RH bay, cask unloading room, hot cell, transfer cell, and facility cask loading room. This HWMU will be used for waste receipt, handling, and storage (including storage of derived waste) prior to emplacement in the underground geologic repository. No treatment or disposal will occur in this S01 HWMU. The capacity of this S01 unit for storage is 194.1 m^3 , based on 36 ten-drum overpacks on 18 facility pallets, four CH Packages at the TRUDOCKs, one standard waste box of derived waste, two loaded casks and one 55-gallon drum of derived waste in the RH Bay, one loaded cask in the Cask Unloading Room, 13 55-gallon drums in the Hot Cell, one canister in the Transfer Cell and one canister in the Facility Cask Unloading Room. The second S01 HWMU is the parking area outside the WHB where the Contact- and Remote-Handled Package trailers and the road cask trailers will be parked awaiting waste handling operations. The capacity of this unit is 50 Contact-Handled Packages and twelve Remote-Handled Packages with a combined TRU mixed waste volume of 242 m^3 . The HWMUs are shown in Figures B3-2, B3-3, and B3-4.

During the ten-year period of the permit, a CH TRU mixed waste volume of up to 148,500 m³ of CH TRU mixed waste could be emplaced in Panels 1 to 8 and an RH TRU mixed waste volume up to 2,635 m³ of RH TRU mixed waste could be emplaced in Panels 4 to 8 for a total of 151,135 m³, as shown in Section 7 B. Panels 9 and 10 will be constructed under the initial term of this permit. These latter areas will not receive waste for disposal under this permit.

DRAFT

ATTACHMENT C
WASTE ANALYSIS PLAN

C-8 Reporting

The Permittees will provide a biennial report in accordance with 20.4.1.500 NMAC (incorporating 40 CFR §264.75) to NMED that includes information on ~~actual~~ TRU mixed waste volume and waste descriptions received for disposal during the time period covered by the report.

DRAFT

ATTACHMENT G

CLOSURE PLAN

G-1 Closure Plan

For the purposes of this Closure Plan, final facility closure is defined as closure that will occur when all ~~waste disposal areas~~ permitted HWDUs are filled or when the WIPP achieves its capacity of 6.2 million cubic feet (ft³) (175,564 cubic meters (m³)) of TRU waste have achieved their maximum capacities as outlined in Permit Part 4, Table 4.1.1. At final facility closure, the surface container storage areas will be closed, and equipment that can be decontaminated and used at other facilities will be cleaned and sent off site. Equipment that cannot be decontaminated plus any derived waste resulting from decontamination will be placed in the last open underground HWDU. Stockpiled salt may be placed in the underground; it may be used as the core material for the berm component of the permanent marker system; or it must be otherwise disposed of in accordance with Sections 2 and 3 of the Minerals Act of 1947 (30 U.S.C. §§602 and 603). In addition, shafts and boreholes which lie within the WIPP Site Boundary and penetrate the Salado will be plugged and sealed, and surface and subsurface facilities and equipment will be decontaminated and removed. Final facility closure will be completed to demonstrate compliance with the Closure Performance Standards contained in 20.4.1.500 NMAC (incorporating 40 CFR §264.111, 178, and 601).

G-1c Maximum Waste Inventory

The maximum waste inventory (total maximum capacity) for the permitted HWDUs is established in Permit Part 4, Table 4.1.1. The WIPP will receive no more than 6.2 million ft³ (175,564 m³) of TRU mixed waste, which may include up to 250,000 ft³ (7,079 m³) of remote-handled (RH) TRU mixed waste. Excavations are mined as permitted when needed during operations to maintain a reserve of disposal areas. The amount of waste placed in each room is limited by structural and physical considerations of equipment and design. Transuranic mixed waste Waste volumes include waste received from off-site generator locations as well as derived waste from disposal and decontamination operations. ~~The maximum volume of TRU mixed waste in a disposal panel is established in Permit Part 4, Table 4.1.1.~~ For closure planning purposes, a maximum achievable volume of 685,100 ft³ (19,400 m³) of TRU mixed waste per panel is used. This equates to 662,150 ft³ (18,750 m³) of contact-handled (CH) TRU mixed waste and 22,950 ft³ (650 m³) of RH TRU mixed waste per panel.

ATTACHMENT H

POST-CLOSURE PLAN

H-1a Post-Closure Plan after Final Facility Closure

H-1a(2) Monitoring

Post-closure groundwater monitoring will involve a continuation of the monitoring plan in Permit Attachment L as described in Permit Part 5. The sampling frequency may be changed to a frequency of every two years after final facility closure is complete by modification of the Permit as approved by the Secretary of the NMED in accordance with 20.4.1.901.B NMAC (incorporating 40 CFR §270.42). In addition, the final target analyte list specified in Permit Attachment L may be changed by permit modification based on final TRU mixed waste volume of waste.

ATTACHMENT H1

ACTIVE INSTITUTIONAL CONTROLS DURING POST-CLOSURE

Introduction

Upon receipt of the necessary certifications and permits from the EPA and the New Mexico Environment Department, the Permittees will begin disposal of contact-handled (**CH**) and remote-handled (**RH**) TRU and TRU mixed waste in the WIPP. This waste emplacement and disposal phase will continue until the regulated capacity of the repository of 6,200,000 cubic feet (175,588 cubic meters) of DOE determines there is no additional TRU and TRU mixed waste has been reached to be disposed of in the facility, and as long as the Permittees comply with the requirements of the Permit. For the purposes of this Permit Attachment, this time period is assumed to be 25 years. The waste will be shipped from DOE facilities across the country in specially designed transportation containers certified by the Nuclear Regulatory Commission. The transportation routes from these facilities to the WIPP have been predetermined. The CH TRU mixed waste will be packaged in 55-gallon (208-liter), 85-gallon (322-liter), 100-gallon (379-liter) steel drums, standard waste boxes (**SWBs**), ten drum overpacks (**TDOPs**), and/or standard large box 2s (**SLB2s**). An SWB is a steel container having a free volume of 66.3 cubic feet (1.88 cubic meters). Figure H1-2 shows the general arrangement of a seven-pack of drums and an SWB as received in a Contact-Handled Package. RH TRU mixed waste inside a Remote-Handled Package is contained in one or more of the allowable containers described in Permit Attachment A1. Some RH TRU mixed waste may arrive in shielded containers as described in Permit Attachment A1.

ATTACHMENT J

HAZARDOUS WASTE MANAGEMENT UNIT TABLES

Table J-3
Underground Hazardous Waste Disposal Units

Description ¹	Waste Type	Maximum Capacity ²	Container Equivalent
Panel 1	CH TRU	636,000ft ³ (18,000 m ³)	86,500 55-Gallon Drums
Panel 2	CH TRU	636,000 ft ³ (18,000 m ³)	86,500 55-Gallon Drums
Panel 3	CH TRU	662,150 ft ³ (18,750 m ³)	90,150 55-Gallon Drums
Panel 4	CH TRU	662,150 ft ³ (18,750 m ³)	90,150 55-Gallon Drums
	RH TRU	12,570 ft ³ (356 m ³)	400 RH TRU Canisters
Panel 5	CH TRU	662,150 ft ³ (18,750 m ³)	90,150 55-Gallon Drums
	RH TRU	15,720 ft ³ (445 m ³)	500 RH TRU Canisters
Panel 6	CH TRU	662,150 ft ³ (18,750 m ³)	90,150 55-Gallon Drums
	RH TRU	18,860 ft ³ (534 m ³)	600 RH TRU Canisters
Panel 7	CH TRU	662,150 ft ³ (18,750 m ³)	90,150 55-Gallon Drums
	RH TRU	22,950 ft ³ (650 m ³)	730 RH TRU Canisters
Panel 8	CH TRU	662,150 ft ³ (18,750 m ³)	90,150 55-Gallon Drums
	RH TRU	22,950 ft ³ (650 m ³)	730 RH TRU Canisters
Total	CH TRU	5,244,900 ft³ (148,500 m³)	713,900 55-Gallon Drums
	RH TRU	93,050 ft³ (2,635 m³)	2960 RH TRU Canisters

¹ The area of each panel is approximately 124,150 ft² (11,533 m²).

² "Maximum Capacity" is the maximum volume of TRU mixed waste that may be emplaced in each panel. The maximum repository capacity of "6.2 million cubic feet of transuranic waste" is specified in the WIPP Land Withdrawal Act (Pub. L. 102-579, as amended)