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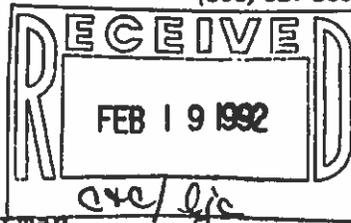


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JUDITH M. ESPINOSA
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February 14, 1992



Mr. Robert F. Kehrman
Westinghouse Electric Corporation
WIPP Project
Environmental Strategic Planning
P.O. Box 2098
Carlsbad, NM 88221

Dear Mr. Kehrman:

This is to confirm our meeting of January 17, 1992 regarding technical issues on the Part B application for the Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP).

The following technical issues were discussed and the following conclusions reached.

1. ISSUE: Open topics from the tour of the Rocky Flats Plant (RFP). DISCUSSION and CONCLUSION: There are no additional questions from the New Mexico Environment Department (NMED) about the Rocky Flats Plant at this time. If some do arise, NMED will contact the necessary DOE personnel.
2. ISSUE: Waste characterization requirements for supercompacted waste. DISCUSSION and CONCLUSION: The NMED cannot determine whether or not it will require further characterization for supercompacted waste from the RFP until it sees the augmented waste characterization chapter in the Part B. NMED understands that the RFP needs to start supercompacting waste as soon as the supercompactor meets all the environmental requirements and that, obviously, any waste characterization must be done before the waste is supercompacted. The NMED will try to determine any such requirements as soon as possible, but cannot do so until the augmented waste characterization plan for the Part B is reviewed.
3. Issue: Design information in Chapter D: Facility and Process Information of the permit application. DISCUSSION: At the November meeting, it was pointed out that more detailed engineering information would be required in this chapter. Attached is the list of siting reports, engineering design basis reports and detailed plans and drawings the DOE and Westinghouse propose to add to Chapter D. NMED had discussions with headquarters staff for the Environmental Protection Agency (EPA) regarding what reports they would



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recommended including in the chapter based on EPA's experience with the no-migration petition for WIPP. The reports suggested by EPA were: 1986 design validation report; current engineering reports regarding roof stability; closure engineering reports; engineering reports used to support no-migration determination such as final safety analysis plan; MSHA agreement. The DOE and Westinghouse list was agreed to due to the amount of overlap between the two lists. DOE and Westinghouse representatives agreed to include the MSHA Agreement. The one area of disagreement was the request for the engineering reports regarding closure. Westinghouse representatives thought it unnecessary because closure would not be a part of the test phase. The closure decision will come later and the engineering data supplied then. NMED pointed out that detailed closure plans are required because if the facility is order to close on short notice, the closure plans in the permit are the ones that must be followed. CONCLUSION: The DOE and Westinghouse list was agreed to; the MSHA Agreement will be included. NMED will make a final call regarding the closure engineering reports later.

4. ISSUE: Certification of engineering reports and data by a professional engineer. DISCUSSION: Construction project for DOE are not certified by a professional engineer. Rather an acquisition board is assembled at a research laboratory and that board reviews all engineering materials and makes a recommendation as to whether or not the project should be accepted. The board does submit a final report regarding their recommendation. Could that report be substituted for certification by a professional engineer? CONCLUSION: A letter formally requesting that substitution should be sent to NMED. The recommendation will be that the substitution be allowed.
5. ISSUE: Form of some of the engineering materials. DISCUSSION: The calculations in proposed AppendixD 2 indexed as CS-41-D-486 through CS-41-D-492 and CS-41-D-495 are on microfiche and involve hundreds of pages and would cost \$1200 for one copy. DOE and Westinghouse could make microfiche readers available to NMED and repositories for the public copies of the permit application. CONCLUSION: It was agreed that those materials could be submitted on microfiche.
6. ISSUE: TCLP analyses vs. total metals and organics analyses. DISCUSSION: Rich Mayer from EPA-Region 6 indicated that he had discussed the request with the EPA headquarter's staff and they had no difficulties with the request. However, he had not had time to discuss with his superiors in Region 6. DOE and Westinghouse pointed out that some generators will use TCLP in order to prove that a waste is not hazardous; others will opt for the total metals approach. CONCLUSION: The issue would be discussed further both by EPA Region 6 and NMED and a final decision made later.

7. ISSUE: Status of waste analysis plan. DISCUSSION and CONCLUSION: It has yet to be review by the generator sites. The plan is being used to force waste analysis at these sites; consequently, it is imperative that they review the plan before the augmented permit application is submitted.
8. ISSUE: No-migration and TRUPACT II information. DISCUSSION: Is it necessary to submit those materials with the application when the NMED already has copies and the volume involved is so great? Additionally, they are peripheral to the new waste analysis plan. CONCLUSION: Although the NMED usually requires a free-standing document for a permit application, these materials need not be submitted as appendices. However, all parties need to check that the editions referenced are the ones in house for NMED.
9. ISSUE: Schedule for submitting an augmented Part B. DISCUSSION and CONCLUSION: They hope to submit it early in February, but they must wait for the generator sites to review the waste analysis plan. NMED does not have a set time. However, the sooner the permit application is submitted, the sooner it can be reviewed.

As indicated in item # 3, NMED indicated that it would make a final call regarding engineering information for closure. The New Mexico Hazardous Waste Management Regulations (HWMR-6), Part IX, 40 CFR section 270.23(a)(2) require: "Detailed plans and engineering reports describing how the unit will be ...closed to comply with the requirement of" Pt. V, secs. 264.601 and 264.602. Consequently, the NMED will require detailed engineering information on closure and requests that that information be included in the augmented new permit application.

If you have any additions or corrections to make regarding this meeting, please contact me at (505) 827-4300.

Yours truly,

A. Elizabeth Gordon, Ph.D.

A. Elizabeth Gordon, Ph.D.
WIPP Permit Coordinator
Hazardous and Radioactive Materials Bureau

cc: Mike McFadden, DOE-WPSO
Kathleen Sisneros, Director, NMED, WWMD

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