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WIPP File



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 29, 1996

Mr. George Dials, Manager  
Carlsbad Area Office  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221

Mr. Joe Epstein, General Manager  
Westinghouse Electric Corporation  
P.O. Box 2078  
Carlsbad, New Mexico 88220

Dear Messrs. Dials and Epstein:

**RE: Clarification of issues raised at the March 26, 1996 meeting**

This letter and enclosure contains our clarification of issues raised by representatives of DOE and Westinghouse Waste Isolation Division (WID) at a meeting with HRMB staff held in Santa Fe on March 26, 1996. The purpose of this meeting was to clarify the intent of comments contained in HRMB's March 14, 1996, Notice of Deficiency (NOD) on the WIPP RCRA Part B Permit Application, Revision 5.2.

With regard to your request for a groundwater monitoring waiver described in Chapter E in the WIPP RCRA Part B, HRMB committed at this meeting to provide a determination on that request by March 29. By means of this letter, HRMB is stating its intent to draft a permit which requires DOE/WID to include a groundwater monitoring plan in accordance with 20 NMAC 4.1, Subpart V, §264 Subpart F. This plan must include provisions for establishing baseline concentrations of all substances listed in §264 Appendix IX prior to disposal of waste in the repository, and must include details of a detection monitoring program to commence with the disposal of waste in the repository. This requirement for a detection monitoring plan is in addition to that requested in Chapter D, General Comment 8, on page 40 of the NOD.

DOE/WID must still respond to NOD comments addressing Chapter E (Groundwater Monitoring) and other related comments. This would ensure the application is complete with supporting technical information if you choose to petition NMED for an alternate sampling plan following establishment of baseline concentrations.

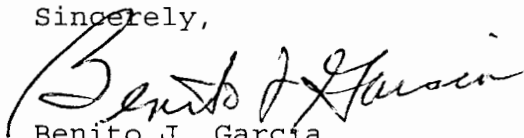


Messrs. Dials and Epstein  
Page 2  
March 29, 1996

HRMB is also taking the position that unless specific methodologies for characterizing RH-TRU mixed waste (and other requests related to RH-TRU mixed waste) are satisfactorily addressed in the NOD response, HRMB will not include RH-TRU mixed waste as a permitted waste stream for disposal at the WIPP site in the draft permit. DOE/WID may submit a permit modification request to NMED at a later date for the inclusion of RH-TRU mixed waste once sufficient information has been developed, if the permit is granted.

If you have any questions concerning this clarification of the recent NOD, please contact Ms. Barbara Hoditschek or Mr. Steve Zappe at (505) 827-1561.

Sincerely,



Benito J. Garcia  
Chief, Hazardous & Radioactive Materials Bureau

Enclosure

cc: Ed Kelley, NMED  
Barbara Hoditschek, HRMB  
Steve Zappe, HRMB  
Susan McMichael, NMED OGC  
Karen Day, WID  
Craig Snider, DOE  
David Neleigh, EPA Region 6  
Matt Hale, EPA OSW  
Victor Sgobba, GAO  
Connie Walker, A.T. Kearney  
Lindsay Lovejoy, NMAG  
Don Hancock, SRIC  
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**Questions raised at the March 26, 1996 meeting between DOE, Westinghouse, and HRMB:**

1. Clarify Appendix C12, specific comment 1, page 36 - what is the intent of demonstrating that method modifications in the Methods Manual do not adversely impact the integrity nor compromise the intent of the original method?
  - The intent of this question is to obtain assurances that DOE had examined the consequences of method modification and can ensure that these changes do not compromise the original SW-846 method. The inclusion of a clarifying paragraph on page C12-1 to discuss this topic, indicating how this issue was examined and resolved, would be sufficient.
2. Clarify Appendix C12, specific comment 2, page 36 - why is there a request to include the method for mercury in aqueous matrix, since Procedure 650.3 address mercury in solids and soils/gravels?
  - Inclusion of this comment was an error; DOE does not need to include the method of analysis for mercury in an aqueous matrix, since necessary methodologies are included elsewhere in the Methods Manual.
3. Clarify Appendix C1, general comment 1, page 23 - why is a cross reference requested to Appendix C11?
  - Appendix C1, page C1-1, lines 7-9 state "The reported content of CH and RH streams will be verified through the WIPP Generator/Storage Site Waste Screening and Acceptance Audit Program." Adding the cross reference to Appendix C11 at the end of that sentence will clarify where in the permit application this audit program is described.
4. Clarify Chapter I, specific comment 1, page 70 - why did HRMB initially request contingency closure plans, and now give DOE/WID the option to remove them from the application?
  - DOE provided contingency closure in response to HRMB's Request for Information, Chapters D, E, and I (November 16, 1995) Chapter I, General Comment 1, page 40. DOE's proposed contingency closure contained several technical deficiencies identified in the March 14, 1995 NOD. The applicant is directed either to revise the application to address the regulatory issues identified or, alternately, to remove references to contingency closure from the application. If the second option is selected, DOE must include language in the permit application stating they would petition NMED for modification of the closure plan and permit when contingency closure is sought.
5. Clarify Chapter I, specific comment 7, page 72 - will HRMB be able to require submittal of the final design drawings for the shaft seals as a compliance condition in the permit?
  - Yes.

6. Clarify Appendix C9, general comment 1, first bullet, fourth item, page 30 - what is meant by requesting a cross reference to WAP waste categories? Does this mean Summary Category Groups, Waste Matrix Code Groups, or what?
  - The intent of the comment is to cross reference the types of available documentation used for acceptable knowledge (AK) with waste summary category groups. The current AK guidance in Appendix C9 focuses on heterogenous waste, and the intent of this NOD comment is to expand it to include specific documentation available for solids and soils/gravels categories.
  
7. Clarify Appendix C9, general comment 1, first bullet, fifth item, page 30 - how can quantitative data quality goals, such as accuracy, precision, etc., be applied to qualitative data such as AK?
  - The draft NOD originally said, "State specific data quality goals." Prior to issuance of the final NOD, the phrase "such as data accuracy, precision, representativeness, completeness, and comparability" was added to reflect general DQO requirements of 40 CFR §194.22(c). However, the phrase "to the extent practicable" was not included in the final NOD. The intent of the NOD comment is for the applicant to address these DQOs to the extent practicable, considering the nature of the waste and the type of characterization data collected (i.e., qualitative or quantitative).
  
8. Clarify Appendix C9, general comment 1, second bullet, second item, page 31 - how far-reaching must DOE consider the "other overlapping audit programs" in responding to the request to integrate their results with the AK audit program?
  - The intent of the comment is to ensure that the audit program for the AK "process" includes the ability to integrate results of other audit programs which could impact waste characterization by AK. This may include applicable portions of other audit programs that would include "overlapping" review of AK information/documentation and waste sampling/analysis. For example, if the results of a laboratory audit resulted in concerns over headspace gas analysis data that were used in the AK verification process, the results of this audit should be included in or be available to the AK audit program. If the results of these audits are to be available in documentation reviewed under the AK audit program, a discussion addressing this fact would be helpful.
  
9. Clarify Appendix D6, specific comment 1, page 45 - who were the stakeholders referenced in this NOD comment, and where are their concerns documented?
  - Stakeholders cited in this comment include the general public (e.g., CCNS, CARD) who question the potential development of karst, which is directly related to the aerial extent of the Mescalero Caliche. In addition, the EPA OSW, during their No-Migration Variance Petition review activities in 1989-1990, examined the extent of the caliche during field activities in direct response to requests by the public during EPA's 1990 public information meetings. Documentation of these meetings, public comments, etc., are available in the docket.

10. Clarify Chapter A, specific comment 1, page 2 - how does HRMB want the volume of waste to be emplaced in the repository described on the Part A?

- HRMB agreed at the meeting that the total capacity of the repository (175,600 m<sup>3</sup>) and the expected capacity for the ten-year permit duration could both be included on page A-4 of the Part A, with one of the capacities referenced as a footnote. However, the second part of the NOD comment must also be addressed, in that the repository must no longer be listed as a single unit. Each underground panel constitutes a hazardous waste management unit, and this must be reflected on page A-4 of the Part A.