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GOVERNOR

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**ENVIRONMENT DEPARTMENT**  
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MARK E. WEIDLER  
SECRETARY

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DEPUTY SECRETARY

December 4, 1996

Mr. David Neleigh  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

Dear Mr. Neleigh:

Following passage of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Amendment Act which exempted WIPP TRU-mixed waste from treatment standards and land disposal prohibitions, the EPA Office of Solid Waste (OSW) is no longer reviewing the DOE's Final No-Migration Variance Petition (NMVP). NMED believes that EPA OSW completed an evaluation of the adequacy of air dispersion modeling contained in both the NMVP and Appendix D10 of the RCRA Part B Permit Application. NMED requests that these results be provided to NMED for use in evaluating the WIPP RCRA disposal application and developing the draft permit.

There are several additional issues which the EPA Office of Radiation and Indoor Air (ORIA) WIPP Program may address in their review of the WIPP Compliance Certification Application (CCA) which could also support NMED's draft permit development. If possible, please provide NMED with ORIA's evaluations on the following issues when they become available:

- validity of gas generation rate assumptions after closure (Appendix D11 of the RCRA Part B Permit Application, Appendix MASS.8 and MASS Attachments 8-1, 8-2, and 8-3 of the CCA)
- validity of compliance modeling (performance assessment) for an undisturbed repository (details not included in RCRA Part B Permit Application)
- validity of input parameter assumptions to compliance modeling (Appendix D16 of the RCRA Part B Permit Application, Appendix PAR of the CCA)

We also seek permission from EPA to release any such documents to our technical contractor and to the general public upon request.

If you have any questions regarding these requests, please contact Steve Zappe of my staff at (505) 827-1561.

Sincerely,

Handwritten signature of Benito J. Garcia in cursive.

Benito J. Garcia  
Chief, Hazardous and Radioactive Materials Bureau

cc: Sut Dinwiddie, HRMB  
Steve Zappe, HRMB  
Susan McMichael, NMED OGC  
Connie Walker, AT Kearney  
WIPP File - Red '96

