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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau  
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MARK E. WEIDLER  
SECRETARY

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DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 11, 1997

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: Request for recertification of WIPP RCRA permit application  
EPA I.D. Number NM4890139088**

In my testimony to the Radioactive and Hazardous Materials Committee meeting in Carlsbad on August 29, 1997, I expressed concern about the integrity of the WIPP RCRA permit application. Since submitting Revision 6 on April 12, 1996, DOE and Westinghouse have provided the following revisions to the application:

Rev #	Date Received	Subject
6.1	5/31/96, 6/4/96	Revised Part A, editorial and typographical changes throughout the application
6.2	3/21/97	Revised Groundwater Monitoring Program Plan (Appendix D18)
6.3	5/16/97, 6/16/97, 7/21/97	General revisions throughout the application to reflect changes since the original submittal
6.4	7/21/97	Revised Groundwater Monitoring Program Plan (Appendix D18)

As you are aware, the first two submittals of Rev 6.3 were rejected by NMED's Hazardous and Radioactive Materials Bureau (HRMB) on June 30, 1997, due to numerous inconsistencies between the replacement pages, the redline/strikeout pages reflecting all changes, and the corresponding WordPerfect files. Although your latest submittal appears to have corrected the immediate problem, this incident led to misgivings about the overall integrity of NMED's official copy of the permit application.

NMED requests that you provide one or more members of your staff who are intimately familiar with the WIPP RCRA permit application to review the official copy located in HRMB's office and certify that it is identical to your copy of the application, and that no changes other than those

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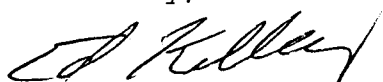
Messrs. Dials and Epstein  
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explicitly identified in Revisions 6.1, 6.2, 6.3, and 6.4 have occurred to the application submitted on April 12, 1996. This action will ensure that the copy presented in the administrative record for the draft permit reflects your actual submittal to HRMB. The attachment to this letter identifies those portions of the application which have been affected by revisions submitted after April 12, 1996, and represents the focus of the certification required to ensure the HRMB copy of the application is correct.

On a different matter, NMED acknowledges your offer to provide assistance in any appropriate manner to expedite the development and issuance of the draft permit. The remaining work involves review of the application for technical and regulatory adequacy, development of permit conditions, and interpretation of regulatory requirements and their application to the unique circumstances at WIPP. While your respective staff members may desire to aid in the process, it would be highly inappropriate for them to engage in any discussions of such nature with HRMB staff at this time. Other offers of assistance, such as filing or locating particular information within the application for HRMB, are appreciated but are not necessary at this time.

Thank you for your patience and cooperation in the permitting process. If you have any questions, please contact me at (505) 827-2834 or Mr. Steve Zappe at (505) 827-1561.

Sincerely,



Ed Kelley, Ph.D.  
Director, Water and Waste Management Division

Attachment

cc: Rep. John Heaton  
Benito Garcia, HRMB  
Stu Dinwiddie, HRMB  
Steve Zappe, HRMB  
Susan McMichael, NMED OGC  
David Neleigh, EPA Region 6  
Mary Kruger, EPA ORIA  
Connie Walker, TechLaw  
File: Red WIPP '97  
Track: WIPP, 9/11/97, Dials, Kelley, RE:

Attachment  
Chapters and Appendices Modified Since April 12, 1996

Chapter A	9 pages
Chapter C	133 pages
Chapter D	172 pages
Chapter F	40 pages
Chapter G	91 pages
Chapter I	72 pages
Chapter J	11 pages
Chapter L	1 page
Appendix A1	4 pages
Appendix C4	36 pages
Appendix C8	42 pages
Appendix D5	76 pages
Appendix D9	50 pages
Appendix D18	73 pages
Appendix D20	25 pages
Appendix F1	≈425 pages
Appendix L1	1 page
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	≈1260 pages