



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
ENVIRONMENT DEPARTMENT  
Hazardous & Radioactive Materials Bureau  
2044 Galisteo  
P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-1557  
Fax (505) 827-1544



MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 26, 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: Recent review of WIPP RCRA Part B Permit Application  
EPA I.D. Number NM4890139088

NMED received your letter of September 17, 1997, in which you concluded that you had "determined that the HRMB has an accurate official copy of the WIPP permit application." However, I wish to clarify several issues which your letter failed to address.

The statement "The comprehensive review confirmed that the official copy of the application in the NMED's HRMB offices on Galisteo Street contains all information submitted by WIPP and is accurate" neglects to mention that your inspection discovered that the application was initially inaccurate. Appendix C8 (Quality Assurance Objectives and Data Validation Techniques for Waste Characterization Sampling and Analytical Methods) was still at Revision 6.0, rather than 6.3. This appendix, consisting of 42 pages (of which 4 failed to reflect changes made in Revision 6.3) was subsequently replaced by your staff with a current copy. An explanation for this inaccuracy in the application was not provided.

Your determination also fell short of the request to "... certify ... that no changes other than those explicitly identified in Revisions 6.1, 6.2, 6.3, and 6.4 have occurred to the application submitted on April 12, 1996." The current certification statement in the application is dated April 10, 1996, which fails to include any of the modifications made to the application after the April submittal. To this end, NMED is requiring you to submit a certification statement in accordance with 20 NMAC 4.1.900 (incorporating 40 CFR §270.11(d)) which will cover all modifications made to the application up to the most recent submittal. Furthermore, be advised that any subsequent submittals which modify the permit application will also require a revised certification statement.

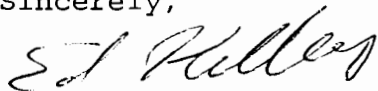
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Thank you for your cooperation in this permitting process. If you have any questions, please contact Ms. Susan McMichael at (505) 827-0127 or Mr. Steve Zappe at (505) 827-1561.

Sincerely,



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

cc: 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, 9/26/97, Dials, Kelley, RE: