



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Drawer 26110
Santa Fe, New Mexico 87502-0110
(505) 827-2855
Fax: (505) 827-2836



MARK E. WEIDLER
SECRETARY

November 20, 1997

Mr. Cooper Wayman, Esq.
Carlsbad Area Office
Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

RE: Revision 6.3

Dear Mr. Wayman:

As we discussed, the Department of Energy and Westinghouse (DOE/WID) provided the Hazardous and Radioactive Waste Bureau (HRMB) three submittals of new information to its RCRA Part B permit application on May 16, 1997, June 13, 1997 and July 21, 1997. DOE/WID identified all three of these submittals as Permit Revision 6.3 ("Rev. 6.3"). The third submittal (July 21, 1997) was accepted by HRMB on the ground that DOE/WID had verified that the submittal addressed problems HRMB had previously identified with respect to accuracy and inconsistencies. See Letter dated September 11, 1997 from NMED to DOE/WID. However, the third submittal was not clearly identified, and as such, has created substantial confusion regarding which of the three versions of "Rev. 6.3" contain the most current and accurate application materials. To avoid further confusion, we request that DOE/WID (1) provide us a complete copy of the July 21, 1997 submittal; (2) clearly identify that the new submittal replaces the former "Rev. 6.3."; and (3) mark it in a manner so that no person could confuse it with any of the previous submittals of "Rev. 6.3." (E.g. identify it is "Rev. 6.3.1 or 6.6"). In addition, please provide us the new submittal in the manner previously specified for all submittals. See Letter dated June 30, 1997 from NMED to DOE/WID.

Further, it is imperative that the publicly available copies of the RCRA application reflect the complete and accurate application. It is our understanding that DOE/WID has made available for public review copies of the RCRA application in several state-wide locations. For our records, we would like you to provide us in writing a list of the locations of all publicly available copies of the RCRA application. Please make certain that all new submittals are contained in the copies of these applications and further, as applicable, replace any formerly distributed copies of "Rev. 6.3" with the new submittal. In this manner, there should be no further confusion regarding the

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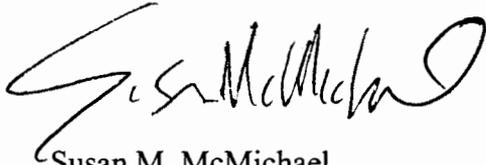


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accuracy of previously submitted application materials. To avoid any delay in the issuance of the Draft Permit, please provide us this information as soon as possible but no later than twenty (20) days from receipt of this letter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan McMichael". The signature is fluid and cursive, with a large loop at the end.

Susan M. McMichael
Assistant General Counsel

cc: Benito Garcia
Gloria Barnes, Esq.