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MARK E. WEIDLER
SECRETARY

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DEPUTY SECRETARY

February 24, 1998

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

Mr. Joe Epstein
General Manager
Westinghouse Electric Corp.
PO Box 2078
Carlsbad, New Mexico 88220



Re: Revised RCRA Permit Fee

Dear Messrs. Dials and Epstein:

This letter is to inform you that the New Mexico Environment Department (NMED) has determined that it will need to revise the permit fee for issuance of the Waste Isolation Pilot Project (WIPP) RCRA Draft Permit. The previous assessment for a RCRA permit fee, requested by letter dated July 8, 1997, underestimated the fee required for certain legal and technical work associated with the WIPP RCRA permit process.

The Department has itemized the basis for the revised RCRA permit fee in the enclosed attachment, and requests prompt payment of the revised fee to ensure the Department has adequate resources to expeditiously complete the permit.

If you need further information or wish to discuss the revised fee, please contact Susan McMichael of my staff at (505) 827-0127.

Sincerely,

Ed Kelley, Director
Water & Waste Management Division

980219



Mr. George Dials, Manager
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January 24, 1998

Enclosure(s)

cc: Benito Garcia
Susan McMichael

REVISED RCRA PERMIT FEE FOR WIPP

ITEM NO. 1 — LEGAL COUNSEL

<u>POSITION</u>	<u>TASK</u>	<u>RATE/HOUR</u>	<u>TIME/HRS</u>	<u>COST</u>
Legal Counsel	Legal review ¹	65.0	640	\$41,600
<u>SUBTOTAL FOR ITEM NO. 1</u>				\$41,600

ITEM NO. 2 — HEARING OFFICER

Hearing Officer	Pre-Hearing Activities ²	\$100.00	280 hrs	\$28,000
	Post-Hearing Activities ³		480 hrs (60 working days)	48,000
<u>SUBTOTAL FOR ITEM NO.2</u>				\$76,000

ITEM NO. 3. — HEARING CLERK

¹ The previous RCRA permit fee estimated an additional 640 hours (approximately 2 months) for a total of 3 months needed to review the draft permit, respond to public comments, prepare for hearing and finalize proposed findings of fact and conclusions of law. The revised time reflects additional time of 2 months needed to complete these tasks.

² The previous RCRA permit fee estimated 40 hours of pre-hearing activities; NMED believes that this amount should be revised to include an additional two hundred eighty (280) hours.

³ The previous RCRA permit fee estimated one hundred and sixty hours (160) hours of post-hearing activities; NMED believes that this amount should be revised to include an additional 480 hours (60 working days) as needed for the hearing officer to review all post-hearing submittals, the evidence at the hearing and to issue a final decision.

<u>POSITION</u>	<u>TASK</u>	<u>RATE/HOUR</u>	<u>TIME/HR</u>	<u>COST</u>
Hearing Officer Clerk⁴	Pre-Hearing	\$20.00	320	\$6,400
	Public Hearing		160	3,200
	Travel Per diem	65/day	20 days	1,300
	Car	130/trip	15 trips	1,950
	Post-hearing Work		480 hours	9,600
<u>SUBTOTAL ITEM NO. 3</u>				\$22,450

ITEM NO. 4— LAW CLERK/LEGAL ASSISTANT

<u>POSITION</u>	<u>TASK</u>	<u>RATE/HOUR</u>	<u>TIME/HRS</u>	<u>COST</u>
Law Clerk/Assistant	Draft and Final Permit Issuance ⁵	\$50.00	640	\$32,000
<u>SUBTOTAL ITEM NO. 4</u>				\$32,000

ITEM NO. 5 — CONTRACTOR TECHNICAL SUPPORT

<u>POSITION</u>	<u>TASK</u>	<u>RATE/HOUR</u>	<u>TIME/HRS</u>	<u>COST</u>
Contractor Technical	Hearing ⁶	\$95.00	400	\$38,000

⁴ The position has not been provided in any prior fee estimates. However, a clerk will provide the Hearing Officer with needed administrative and secretarial support.

⁵ The previous RCRA permit fee estimated six-hundred forty (640) hours for legal assistant/clerk. This fee has been revised to include an additional 640 hours (approximately 4 months).

⁶ The previous RCRA permit fee estimated four hundred (400) hours (2.5 persons at 160 hours) to provide technical support at the public hearing. This estimate has been revised to reflect

<u>POSITION</u>	<u>TASK</u>	<u>RATE/HOUR</u>	<u>TIME/HRS</u>	<u>COST</u>
Technical Contractor	Travel ⁷		12 trips	\$21,100
Support	Post-hearing ⁸	\$95.00	400	\$38,000
SUBTOTAL FOR ITEM NO. 5				\$97,100

SUMMARY OF ITEMS:

Legal Counsel	\$41,600.00
Hearing Officer	\$76,000.00
Hearing Clerk	\$22,450.00
Legal Assistant	\$32,000.00
Contractor	\$97,100.00
Subtotal	\$269,150.00
Less Contracts	
>\$25,000	\$130,100.00
Indirect Cost Base	\$139,050.00
Indirect Costs @15.9%	\$22,108.95
Add Back Contracts	
>\$25,000	\$130,100.00
<u>TOTAL FEE:</u>	\$291,285.95

an additional four hundred (400) hours (2.5 persons at 160 hours).

⁷ Travel for the public hearing. This estimate is itemized in the July 8, 1997 fee letter (see p.5 n.10)

⁸ The previous RCRA permit fee estimated one hundred sixty (160) hours (2 persons at 80 hours) for technical support after the public hearing. This estimate has been revised to reflect an additional four hundred (400) hours (5 persons at 80 hours).