February 27, 2007

Dr. David Moody, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Mr. Richard D. Raaz, General Manager
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

RE: FINAL DETERMINATION, CLASS 1* MODIFICATION REQUESTS
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Raaz:

The New Mexico Environment Department (NMED) hereby approves with changes the permit modification requests (PMRs) to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau in the following documents:

- Request for Class 1* Permit Modification (Change in Manifest Requirements), Letter Dated 8/31/06, Rec’d 9/5/06
- Request for Class 1* Permit Modification (Closure Schedule Change, Notice of Planned Change), Letter Dated 1/11/07, Rec’d 1/12/07

The following items were included in these submittals:

1. Revise the requirements for listing hazardous waste numbers on manifests as required by USEPA.
2. Change to closure schedule for Panels 1 – 8.
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These Class 1* PMRs were processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(2)). NMED issued a determination of administrative completeness for these PMRs on February 19, 2007. Although no public comment period is specified by regulation, NMED encourages members of the public to submit comments. NMED received written comments from Southwest Research and Information Center, Citizens for Alternatives to Radioactive Dumping, and the Permittees prior to rendering this final determination.  

As stated in NMED’s administrative completeness determination letter dated February 19, 2007, NMED is also revising the permit to incorporate all previous Class 1 notifications received between September 5, 2006 and January 30, 2007.  

NMED hereby approves these Class 1* PMRs with the changes proposed by the Permittees in their comments dated January 30, 2007. The attachment contains the redline/strikeout pages of the modified permit to help the reader rapidly identify each modification. Language deleted from the permit is struck-out. Language added to the permit is highlighted in redline. Also enclosed is a CD-ROM containing the modified files in WordPerfect 12 redline/strikeout format as well as files with markings and comments removed. An electronic version of the modified permit with markings removed will be publicly posted on the NMED WIPP Information Page at <http://www.nmenv.state.nm.us/wipp/download.html>.  

For purposes of version control, please note that NMED has established the date of these modified pages and attachment as February 27, 2007. The effective date of the permit modification approval is your date of receipt of this letter.  

If you have any questions regarding this matter, please contact Steve Zappe of my staff at (505) 428-2517.  

Sincerely,  

[Signature]  
James P. Bearzi  
Chief  
Hazardous Waste Bureau  

JPB/soz  

Attachment – redline/strikeout pages  

cc w/o Attachment  
  Cindy Padilla, NMED WWMD  
  John Kieling, NMED HWB  
  Steve Zappe, NMED HWB
Laurie King, EPA Region 6
Sharon White, EPA ORIA

cc w/ Attachments
Chuck Noble, NMED OGC
Connie Walker, Trinity Engineering
File: Red WIPP ‘07