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NEW MEXICO
ENVIRONMENT DEPARTMENT

Resource Protection Division

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DAVE MARTIN
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THOMAS SKIBITSKI
Acting Division Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 13, 2013

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

M. Farok Sharif, Project Manager
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: FINAL DETERMINATION, CLASS 2 MODIFICATION REQUEST
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

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

- Request for Class 2 Permit Modification (Revise Waste Analysis Plan Waste Characterization Methods), Letter Dated December 12, 2012, Received December 14, 2012

This Class 2 PMR was evaluated and processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)). The Class 2 PMR was subject to a 60-day public comment period running from December 18, 2012 through February 18, 2013.

Pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42(b)(7)(i) and (ii)) NMED hereby approves this modification with changes as noted in the attached CD-ROM. It contains a redline/strikeout version of the modified permit to help rapidly identify each modification. Language deleted from the permit is ~~stricken-out~~. Language added to the permit is **in red**.

Messrs. Franco and Sharif
March 13, 2013
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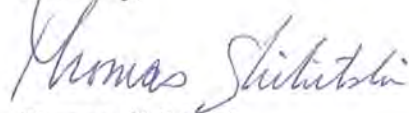
Specific language changes imposed by NMED are distinguished from language changes proposed in the modification request by **yellow highlighting**. It also has final versions with markings and comments removed. An electronic version of the modified permit with markings removed will also be publicly posted 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 part and attachment pages as March 13, 2013. The date of the permit modification approval is your date of receipt of this letter.

NMED is providing response to all public comments under separate cover.

If you have any questions regarding this matter, please contact Trais Kliphuis of my staff at (505) 476-6051.

Sincerely,



Thomas Skibitski
Acting Director
Resource Protection Division

Attachment 1 – CD with Microsoft Word copies of both redline strikeout version and changes incorporated version

cc: John Kieling, NMED HWB
Trais Kliphuis, NMED HWB
Thomas Kesterson, NMED DOE-OB/WIPP
Laurie King, EPA Region 6
Tom Peake, EPA ORIA

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