

**Class 1* Permit Modification Request Requiring Prior Agency Approval
Change Related to Operational Control of the WIPP Hazardous Waste Facility**

**Waste Isolation Pilot Plant
Carlsbad, New Mexico**

WIPP HWFP #NM4890139088-TSDF

November 2007

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Acronyms and Abbreviations

CBFO	Carlsbad Field Office
CFR	Code of Federal Regulations
DOE	Department of Energy
HWFP	Hazardous Waste Facility Permit
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
PMR	Permit Modification Request
RCRA	Resource Conservation and Recovery Act
TSDf	Treatment, Storage and Disposal Facility
WIPP	Waste Isolation Pilot Plant
WTS	Washington TRU Solutions LLC

Overview of the Permit Modification Notification

This document contains one Class 1* Permit Modification Request (**PMR**) to the Hazardous Waste Facility Permit (**HWFP**) at the Waste Isolation Pilot Plant (**WIPP**), Permit Number NM4890139088-TSDF hereinafter referred to as the WIPP HWFP.

This PMR is being submitted by the U.S. Department of Energy (**DOE**) and Washington TRU Solutions LLC (**WTS**), collectively referred to as the Permittees, in accordance with the WIPP HWFP, Condition I.B.1 (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (40 **CFR**) §270.42(a)). The PMR is necessary to notify the New Mexico Environment Department (**NMED**) of a change related to the ownership of Washington TRU Solutions LLC, the Co-Permittee of the WIPP hazardous waste facility. This change does not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modification to the WIPP HWFP and related supporting documents are provided in this PMR. The proposed modification to the text of the WIPP HWFP has been identified using a double underline and revision bar in the right hand margin for added information, and a ~~strikeout~~ font for deleted information. All direct quotations are indicated by italicized text.

Attachment A

**Description of Class 1* Permit Modification Request Requiring Prior Agency
Approval**

Table 1. Class 1* Hazardous Waste Facility Permit Modification Notification

Affected Permit Section	Item	Category	Attachment A Page #
a. Attachment A	Change Related to Ownership of Washington TRU Solutions LLC	A.7	A-3

Description:

Revise the HWFP to provide information related to the ownership of Washington TRU Solutions LLC.

Basis:

The change is related to the ownership of Permittee Washington TRU Solutions LLC, who is the co-operator of the facility, and is therefore a Class 1* modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.7).

Discussion:

This PMR describes a change of ownership of Washington Group International, Inc., a corporate affiliate of Washington TRU Solutions LLC (WTS). WTS is owned jointly by Washington Government Environmental Services Company LLC, (WGES), managing member, and Weston Solutions, Inc. WGES is owned by Washington Group International, Inc. On November 15, 2007, Washington Group International, Inc. was acquired by URS Corporation.

Revised Permit Text:

- a.1. A-6 Chronology of Events Relevant to Changes in Ownership or Operational Control

- December 19, 1997 NMED received notification of a change of name/ownership from Westinghouse Electric Corporation to CBS Corporation. The WIPP Management and Operating Contractor (**MOC**), Westinghouse Waste Isolation Division (**WID**), became a division of Westinghouse Electric Company, which in turn was a division of CBS Corporation. Notification to NMED was made by the permit applicant in a letter dated December 18, 1997. The permit application was under review, but a draft permit was not yet issued.

- September 22, 1998 NMED received notification of a pending transfer of ownership for the MOC, Westinghouse WID, from CBS Corporation to an as-yet-to-be-named limited liability company owned jointly by British Nuclear Fuels, plc and Morrison-Knudsen Corporation. The transfer of ownership was scheduled to occur on or about December 15, 1998. Notification to NMED was made by the permit applicant in a letter dated September 17, 1998. The draft permit had been issued for public comment, but the final permit was not yet issued.

- March 9, 1999 NMED again received notification of the pending divestiture of the MOC, Westinghouse WID, by CBS Corporation to the limited liability company owned jointly by British Nuclear Fuels, plc and Morrison-Knudsen Corporation known as MK/BNFL GESCO LLC. The new MOC would be renamed to Westinghouse Government Environmental Services Company LLC. Notification to NMED was made by the permit applicant in a letter dated March 2, 1999. The public hearing on the permit was underway, but the final permit was not yet issued.
- March 26, 1999 NMED received official notification of the divestiture of Westinghouse Electric Company by CBS Corporation to MK/BNFL GESCO LLC effective March 22, 1999. The MOC was renamed Westinghouse Government Environmental Services Company LLC (**WGES**), of which Westinghouse Waste Isolation Division was a division. This transaction constituted a change of operational control under 20.4.1.900 NMAC (incorporating 40 CFR §270.40). Notification to NMED was made by the permit applicant in a letter dated March 24, 1999. The public hearing on the permit was nearly concluded, but the final permit was not yet issued.
- April 28, 1999 NMED received a revised Part A Permit Application in a letter dated April 21, 1999, reflecting that the Westinghouse Waste Isolation Division, co-operator of the WIPP hazardous waste facility, was now a part of WGES. However, the final permit, issued October 27, 1999, did not reflect the change in ownership.
- July 25, 2000 NMED received a Class 1 permit modification in a letter dated July 21, 2000, changing the name in the Permit from Westinghouse Electric Corporation to Westinghouse Government Environmental Services Company LLC (**WGES**), Waste Isolation Division (**WID**). However, this notification did not constitute the required permit modification under 20.4.1.900 NMAC (incorporating 40 CFR §270.40) necessary to reflect the transfer of the permit to a new operator.
- December 15, 2000 DOE announced that it had awarded a five-year contract for management and operation of WIPP to Westinghouse TRU Solutions LLC, a limited liability company owned jointly by WGES LLC and Roy F. Weston, Inc. The announcement further stated that, following a brief transition period, the new contractor would assume MOC responsibilities on February 1, 2001. This transaction constituted a change of operational control under 20.4.1.900 NMAC (incorporating 40 CFR §270.40) requiring a Class 1 permit modification with prior written approval of NMED.
- February 5, 2001 NMED received a Class 1 permit modification in a letter dated February 2, 2001, which notified NMED of an organizational name change of the MOC from Westinghouse Government Environmental Services Company

LLC Waste Isolation Division to Westinghouse TRU Solutions LLC. However, this notification did not constitute the required permit modification under 20.4.1.900 NMAC (incorporating 40 CFR §270.40) necessary to reflect the transfer of the permit to a new operator.

December 31, 2002 NMED received a Class 1 permit modification in a letter dated December 27, 2002, which changed the name of the MOC from Westinghouse TRU Solutions LLC to Washington TRU Solutions LLC. Again, this notification did not constitute the required permit modification under 20.4.1.900 NMAC (incorporating 40 CFR §270.40) necessary to reflect the transfer of the permit to a new operator.

February 28, 2003 NMED received a Class 1 permit modification requiring prior agency approval in a letter dated February 28, 2003, to satisfy the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.40) to reflect the transfer of the permit to a new operator.

September 16, 2004 NMED received a Class 1 permit modification requiring prior agency approval in a letter dated September 16, 2004, describing a change of ownership of Washington TRU Solutions LLC (**WTS**). WTS is owned jointly by WGES, managing member, and Weston Solutions, Inc. WGES had been owned jointly by Washington Group International, Inc., and BNFL Nuclear Services, Inc.. However, Washington Group International has acquired BNFL's prior interest in the former Westinghouse government services businesses, which includes BNFL's prior interest in WGES.

August 2, 2007 NMED received notification in a letter dated August 2, 2007, informing the NMED of a pending change related to operational control at the WIPP Hazardous Waste Facility in order to comply with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.40(b)).

November 20, 2007 NMED received a Class 1* permit modification requiring prior agency approval in a letter dated November 20, 2007, describing a change of ownership of Washington Group International, Inc., a corporate affiliate of Washington TRU Solutions LLC (**WTS**). WTS is owned jointly by Washington Government Environmental Services Company LLC, (**WGES**), managing member, and Weston Solutions, Inc. WGES is owned by Washington Group International, Inc. On November 15, 2007, Washington Group International, Inc. was acquired by URS Corporation.