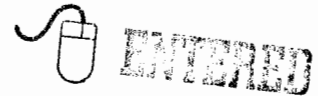




GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 17, 2001

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

Mr. John Lee, General Manager
Westinghouse TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

RE:

**WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (**NMED**) acknowledges receipt of an August 10, 2001 letter from Cynthia Zvonar of the Carlsbad Field Office (**CBFO**) regarding the resolution of comments associated with the WIPP Sampling and Analysis Plan (**SAP**) for Solid Waste Management Units (**SWMUs**) and Areas of Concern (**AOCs**), DOE/WIPP 00-2014, Rev. 0, May 2000. In this letter, CBFO requested written approval from NMED for substitution of attached figures as modifications to the SAP. CBFO also requested written approval of the proposed investigation as contained in the letter and the SAP.

With regards to the attached figures, NMED conditionally approves their incorporation into the SAP pending the following modifications:

- The legend on the maps for SWMUs 001L, 001x, and 004a must be made consistent with the legend on the map for SWMU 001q (i.e., indicate that the triangle symbol locations will be sampled at two depths).



Dr. Inés Triay
Mr. John Lee
August 17, 2001
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- The four maps must be printed such that the location symbols appear distinctly in reproduced copies (i.e., certain colors used for the symbols on the original maps do not reproduce in photocopies).

With regards to the proposed field investigations scheduled for the week of August 20, 2001, NMED concurs with and approves the proposed investigation as described in the SAP and the August 10, 2001 letter. Further, NMED anticipates that Mr. Will Fetner will represent NMED during a portion of the sampling activities on August 20 and 21, 2001.

NMED needs to clarify the statement in your letter attributed to NMED that "CBFO has submitted adequate documentation to justify a request for NFA [No Further Action] for all but four SWMUs." NMED intended this to mean that it appears as though the Permittees have compiled sufficient evidence to support a request for NFA on all but four SWMUs. Since the Permittees have not yet submitted a formal request for NFA, NMED must delay any determination of adequacy until such time as all evidence (analytical results, release assessments, documentation of closure under another authority, etc.) has been submitted in a formal NFA proposal. NMED recommends that the Permittees discuss the format and content of any NFA proposal with us, since this document (as a substitute for an RFI Report and Summary) will require approval by NMED as specified in Permit Condition VII.O. This approval will be necessary prior to submittal of the Class 3 modification petitioning for NFA as specified in Permit Condition VII.P.

If you have any questions regarding this matter, please contact Will Fetner of my staff at (505) 428-2520 or me at 428-2517.

Sincerely,



Steve Zappe
NMED WIPP Project Leader

cc: Paul Ritzma, NMED
Greg Lewis, NMED WWMD
James Bearzi, NMED HWB
John Kieling, NMED HWB
Will Fetner, NMED HWB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
Connie Walker, TechLaw

 (Rom)