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State of New Mexico
ENVIRONMENT DEPARTMENT

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ENTERED



PETER MAGGIORE
SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 19, 2002

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: CRITERIA FOR REEVALUATION OF PREVIOUSLY REJECTED AUDIT REPORTS, HANFORD
AUDIT A-01-16 AND RFETS AUDIT A-01-07
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA No. NM4890139088**

Dear Dr. Triay and Mr. Lee:

On October 11, 2001, the New Mexico Environment Department (NMED) rejected Final Audit Reports (**Reports**) from the Department of Energy Carlsbad Field Office (CBFO) for the following generator/storage sites (**sites**):

- Hanford Audit A-01-16 (received July 16, 2001); and
- Rocky Flats Environmental Technology Site Audit A-01-07 (received September 10, 2001)

The NMED rejected these Reports because they failed to demonstrate that the Department of Energy Carlsbad Field Office and Westinghouse TRU Solutions LLC (**the Permittees**) had required the sites to implement applicable requirements of the waste analysis plan as specified in Permit Condition II.C.1.a. The October 11, 2001 letter further identified specific procedures at each site that demonstrated noncompliance with Permit requirements.

In order for the NMED to reevaluate these previously rejected Reports, the Permittees must submit evidence of compliance with Permit requirements during two additional time periods, as

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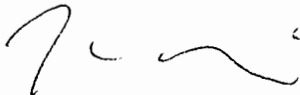
specified in the Schedule for Completion in NMED's September 24, 2001 Denial of Temporary Authorization Request (**Denial letter**):

- For the time period between September 24 and November 27, 2001, the Permittees must demonstrate that these sites did not characterize waste using procedures based upon previously submitted Class 1 modifications that were rejected in the Denial letter.
- For the time period after November 27, 2001, the Permittees must demonstrate that these sites now characterize waste in compliance with the Permit.

Evidence of compliance shall include copies of approved procedures demonstrating implementation of appropriate requirements for each time period, and shall include either one or more examples of implementation for each procedure (e.g., batch data reports), or an affidavit stating that no waste was characterized under that procedure, for each time period. Upon receipt of this information, the NMED will reevaluate these previously rejected Reports for compliance with Permit waste characterization requirements.

If you have any questions, please contact Steve Zappe at (505) 428-2517.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: Greg Lewis, NMED
Steve Zappe, NMED HWB
Howard Roitman, CDPHE HMWMD
Tom Fitzsimmons, Director, WA Dept of Ecology
David Neleigh, EPA Region 6
Betsy Forinash, EPA ORIA
Connie Walker, TechLaw
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