



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 14, 2005

Dr. Inés Triay, Acting 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: SUBMITTAL OF PANEL 3 CERTIFICATION OF CONSTRUCTION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Raaz:

On February 4, 2005, the New Mexico Environment Department (**NMED**) received a letter from DOE and Washington TRU Solutions LLC (**the Permittees**) dated February 3, 2005, submitting a certification of construction for the Panel 3 Hazardous Waste Disposal Unit (**HWDU**) recently excavated at the Waste Isolation Pilot Plant (**WIPP**). This certification of construction was submitted in compliance with the reporting requirements of Permit Condition I.E.11.b, which states in relevant part:

... The Permittees shall not store or dispose TRU mixed waste in any modified portion of the facility (except as provided in 20 NMAC 4.1.900 (incorporating 40 CFR §270.42)) until the following conditions specified in 20 NMAC 4.1.900 (incorporating 40 CFR §270.30(1)(2)) are satisfied:

- i. the Permittees have submitted to the Secretary, by certified mail or hand delivery, a letter signed by the Permittees and a New Mexico registered professional engineer stating that the facility has been constructed or modified in compliance with this Permit, and:
- ii. the Secretary has either inspected the modified portion of the facility and finds it is in compliance with the conditions of this Permit; or waived the

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Dr. Triay and Mr. Raaz

April 14, 2005

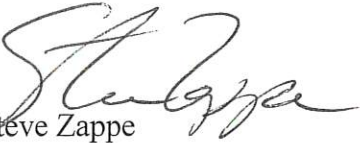
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inspection or, within fifteen (15) calendar days of the date of submission of the letter required above, has not notified the Permittees of his intent to inspect.

NMED staff conducted an evaluation of the construction of the Panel 2 HWDU compliance evaluation inspection of WIPP on April 6, 2005. Based upon a review of the information obtained during this inspection, NMED finds that the Panel 3 HWDU was constructed in compliance with the requirements of the Permit.

If you have any questions regarding this matter, please contact me at (505) 428-2517.

Sincerely,



Steve Zappe
WIPP Project Leader
Permits Management Program

cc: Marcy Leavitt, NMED WWMD
James Bearzi, NMED HWB
John Kieling, NMED HWB
Chuck Noble, NMED OGC
Sharon White, EPA ORIA
Laurie King, EPA Region 6
Connie Walker, Trinity Engineering Associates
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