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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 6, 2010

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

Farok Sharif, President
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: APPROVAL OF PANEL 6 CERTIFICATION OF CONSTRUCTION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Moody and Mr. Sharif:

On September 10, 2010, the New Mexico Environment Department (NMED) received a letter from DOE and Washington TRU Solutions LLC (**the Permittees**) dated September 8, 2010, submitting a certification of construction for the Panel 6 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:

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- 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 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 conducted an inspection of the construction of the Panel 6 HWDU on October 5, 2010, including an inspection of the Panel 6 Disposal Room Volatile Organic Compound Monitoring System (DRVOCMS). Based upon a review of the information provided in the certifications and obtained during this inspection, NMED finds that the Panel 6 HWDU and DRVOCMS were constructed in compliance with the requirements of the Permit. NMED expects the Permittees will submit a Class 1 permit modification to update repository figures following receipt of this approval letter.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
A. Vollmer, NMED HWB
S. Zappe, NMED HWB
T. Kesterson, NMED DOEOB
T. Peake, EPA ORIA
L. King, EPA Region 6
C. Walker, Trinity Engineering Associates
File: Red WIPP '10