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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 2, 2012

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221-3100

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

**RE: OAK RIDGE NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT AUDIT
A-12-08
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

This letter responds to the request of the United States Department of Energy (DOE) to postpone the required audit of the characterization of mixed hazardous and radioactive waste generated at Oak Ridge National Laboratory (ORNL) in Oak Ridge, Tennessee, that is destined for the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. On January 18, 2012 the DOE Carlsbad Field Office (CBFO) notified the New Mexico Environment Department (NMED) that the ORNL Central Characterization Project (CCP) recertification Audit A-12-08, scheduled for February 21-23, 2012, would not be conducted at ORNL because waste characterization activities at the site have been suspended. DOE stated that the audit will be partially performed in Carlsbad. DOE further stated that when waste characterization activities resume at ORNL, an audit will be performed to evaluate the waste characterization activities before ORNL/CCP can certify that waste has been properly characterized using data generated after July 2011.

The Hazardous Waste Facility Permit for WIPP (Permit), which NMED issued to DOE and Washington TRU Solutions, LLC (the Permittees) on January 31, 2012, in Section 2.3.2 and Attachments C, C4, and C6 requires DOE to audit waste characterization operation at generator



Messrs. Franco and Sharif
March 2, 2012

and storage sites, such as ORNL. The Permit requires that DOE conduct audits of each site prior to certifying that the site meets the waste characterization requirements for shipment of waste to WIPP. In accordance with Permit Attachment C6, the audits are performed to ensure that the operators of each generator and storage site and DOE approved laboratory that plan to transport transuranic (TRU) mixed waste to the WIPP facility conduct sampling and analysis of wastes in accordance with the current Waste Analysis Plan (WAP). Audits must be performed at least annually after the initial audit in accordance with Permit Attachment C6 to determine continued compliance with the WAP. NMED observes these audits to verify that the Permittees have implemented the current WAP and that generator and storage sites have implemented a Quality Assurance program for the characterization of waste and are meeting applicable WAP requirements.

On February 15, 2012 NMED Hazardous Waste Bureau (HWB) staff met with representatives of the Permittees to discuss the ORNL/CCP Audit A-12-08 scheduled for February 21-23, 2012. During the meeting, the Permittees stated that the ORNL/CCP waste characterization operations have been suspended since July 2011, and that the ORNL/CCP audit will be postponed until March 27-29, 2012. DOE representatives also stated that although DOE would cease certification of the ORNL/CCP while waste characterization operations at ORNL are suspended, DOE would continue to perform annual audits in Carlsbad during this time. Once waste characterization activities resume at ORNL, the Permittees would conduct a full site-specific audit at ORNL before waste shipments would be sent from ORNL to WIPP. Finally, DOE CBFO representatives stated that the full ORNL/CCP recertification audit would most likely be held in calendar year 2014.

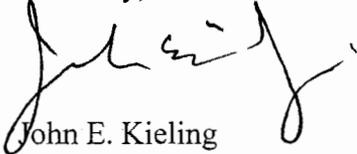
The Permit clearly specifies the frequency and scope of audits and the requirement to audit generator sites. However, the Permit does not address the temporary suspension of characterization activities at a generator site. NMED is therefore clarifying in this letter that DOE must continue to perform annual audits of the ORNL/CCP characterization activities. If DOE cannot determine that the ORNL/CCP meets the requirements in Section 2.3.2.1 of the Permit, the Permittees shall not manage, store, or dispose waste from ORNL at WIPP, as required by Section 2.3.2 of the Permit. Further, once waste characterization operations resume at ORNL, DOE must conduct a full site-specific audit at ORNL before waste shipments can be sent from ORNL to WIPP.

ORNL/CCP has not characterized any waste since July 2011. Therefore, only that waste that was characterized under the previous audit and certification that is still at the facility may be shipped to WIPP. Identification of those wastes shall be documented during the March 27-29, 2012 ORNL/CCP recertification audit.

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If you have any questions or concerns, please contact Trais Kliphuis at 505-476-6051.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

- cc: Jim Davis, Director, NMED RPD
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