



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO **ENTERED**
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RYAN FLYNN
Cabinet Secretary Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE
Division Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 18, 2013

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

Farok Sharif, Project Manger
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: SUBMITTAL OF PANEL 7 CERTIFICATION OF CONSTRUCTION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Franco and Mr. Sharif:

On June 12, 2013, the New Mexico Environment Department (NMED) received a letter from DOE and Nuclear Waste Partnership LLC (**the Permittees**) dated June 11, 2008, submitting a certification of construction for the Panel 7 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.

This letter is to notify the Permittees of NMED's intent to inspect the modified portion of the facility as specified in Permit Condition I.E.11.b.ii. NMED will coordinate with Mr. George Basabilvazo of your staff to schedule an inspection date that is mutually agreeable to all parties.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: Tom Blaine, NMED EHD
Dave Cobrain, NMED HWB
Tom Kesterson, NMED DOEOB
Trais Kliphuis, NMED HWB
Tom Peake, EPA ORIA
Laurie King, EPA Region 6

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