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Governor

JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT ENTERED

*Hazardous Waste Bureau*

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RYAN H. LYNN  
Cabinet Secretary Designate

BUTCH TONGATE  
Deputy Secretary

TOM BLAINE, P.E.  
Director  
Environmental Health Division

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

July 16, 2013

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

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

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

Dear Messrs. Franco and 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, 2013 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 1.7.11.2, 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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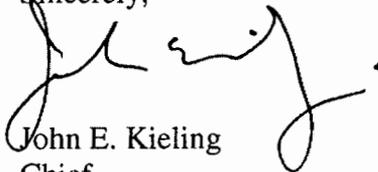


- ii. the Secretary has either inspected the modified portion of the facility and finds it is in compliance with the conditions of this Permit; or waived the inspection or, within fifteen (15) calendar days of the date of submission of the letter required above, has not notified the Permittees of his intent to inspect.

NMED conducted an inspection of the construction of the Panel 7 HWDU on June 20, 2013. Based upon review of the information provided and information obtained during this inspection, NMED finds that the Panel HWDU and the Disposal Room Volatile Organic Compound Monitoring System were constructed in compliance with the requirements of the Permit.

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  
Tom Kesterson, NMED DOEOB  
Trais Kliphuis, NMED HWB  
Tom Peake, EPA ORIA  
Laurie King, EPA Region 6

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