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State of New Mexico  
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MARK E. WEIDLER  
SECRETARY

February 2, 1998

Federico F. Pena, Secretary  
U.S. Department of Energy  
Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Re: Waste Isolation Pilot Plant

Dear Secretary Pena:

It is the understanding of the New Mexico Environment Department (NMED) that the U.S. Department of Energy (DOE) is considering whether to ship non-mixed transuranic (TRU) waste to the Waste Isolation Pilot Plant (WIPP), located in Carlsbad, New Mexico, upon the EPA's final certification of compliance with 40 CFR Parts 191 and 194.

The NMED is finalizing the WIPP RCRA Part B draft permit, and expects to issue the draft permit for public review and comment in the near future. This letter is to clarify that in the absence of a final RCRA Part B permit, the State of New Mexico would expect the DOE to demonstrate that any TRU waste to be shipped to the WIPP has been fully characterized in accordance with the requirements of RCRA.

If you have any questions, please call me at (505)827-2855.

Sincerely,

Mark E. Weidler  
Secretary

cc: Gary E. Johnson, Governor  
Jennifer Salisbury, Secretary of Energy, Minerals and Natural Resources Department  
Tom Udall, Attorney General, State of New Mexico  
Carol Browner, Administrator, USEPA  
Jerry Clifford, Acting Regional Administrator, USEPA Region 6  
George Dials, Manager, Carlsbad Office, DOE  
Joe Epstein, General Manager, Waste Isolation Division, Westinghouse

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