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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

July 10, 1998

Attn Beuito

The Honorable Elizabeth Moler
Acting Secretary
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Moler:

On June 19, 1998, the New Mexico Environment Department (NMED) agreed to commit staff resources to review characterization data for waste stream TA-55-43 and make an additional determination whether this waste stream has been adequately characterized under the New Mexico Hazardous Waste Act. We agreed to undertake this review, upon request by DOE, after NMED's June 11, 1998 letter decision that the TA-55-43 waste stream was inadequately characterized. The purpose of this letter is to inform you that after additional review, NMED has insufficient information and data to approve a waste analysis process for this waste stream.

As you know, our primary focus is to complete the administrative process for approval of the RCRA Part B permit. We understand, however, that DOE seeks to dispose of non-mixed waste without a RCRA permit in order to facilitate the opening of the WIPP facility. Towards this end, we believe that certain discrete containers of debris waste within the TA-55-43 waste stream may be adequately characterized with confirmatory chemical sampling and analysis. We intend to commit appropriate staff resources and time to review a sampling and analysis plan, associated characterization data, and any other appropriate documentation over the next few weeks as necessary to determine whether this waste stream is adequately characterized.

We are encouraged with the progress made over the past month and can assure you we will continue to cooperate to resolve this matter.

Sincerely,

Mark E. Weidler
Secretary

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Secretary Elizabeth Moler

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cc: The Honorable Governor Johnson
The Honorable Senator Domenici
The Honorable Senator Bingaman
The Honorable Congressman Skeen
The Honorable Congressman Redmond
The Honorable Congresswoman Wilson
The Honorable Tom Udall, Attorney General, State of New Mexico
The Honorable Janet Reno, Attorney General of the United States, U.S. Department of
Justice
Carol Browner, Administrator, Environmental Protection Agency
Gregg Cooke, Regional Administrator, Environmental Protection Agency
Jennifer Salisbury, Secretary of Energy, Minerals & Natural Resources Department
Mike McFadden, Acting Manager, Carlsbad Area Office
W. John Arthur III, Assistant Manger Albuquerque Area Office
Ed Kelley, Director of Water & Waste Management Division, Environment Department
Benito Garcia, Bureau Chief, HRMB, Environment Department