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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau  
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PETER MAGGIORE  
SECRETARY

November 10, 1999

**CORRECTED COPY**

Dr. Ines Triay, Manager  
Carlsbad Area Office  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221

Dear Dr. Triay:

**RE: RFETS Waste Determination for RF005.01 - Final Technical Review**

The New Mexico Environment Department (NMED) has completed its final review of the document entitled "Non-Mixed Waste Determination for TRU Stabilized Pyrochemical Salts - Profile No. RF005.01, Revision 2.1" dated September 1999. Attached are NMED's comments concerning: 1) the general completeness of the information provided for review; 2) the technical basis for DOE's non-mixed waste determination; and 3) our evaluation of RFETS' compliance with the WIPP Waste Analysis Plan. NMED has not undertaken any legal or regulatory review of the hazardous waste determination of this waste stream. However, based upon our technical review, the RFETS waste determination is inadequate to demonstrate that RF005.01 is not regulated under the New Mexico Hazardous Waste Act.

NMED is providing this review to document our technical issues with RF005.01, and is not requesting a response. If you have any questions, please contact Mr. Steve Zappe of my staff at (505) 827-1560, x1013.

Sincerely,

James P. Bearzi  
Chief  
Hazardous and Radioactive Materials Bureau

Attachment

cc: Greg Lewis, NMED  
Debby Brinkerhoff, HRMB  
Steve Zappe, HRMB  
Susan McMichael, NMED OGC  
David Neleigh, EPA Region 6  
Mary Kruger, EPA ORIA  
Connie Walker, TechLaw  
WIPP File - Red '99



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**FAX COVER SHEET**

Date: November 10, 1999  
To: Inés Triay  
Company: DOE/CAO  
Telephone: 505/234-7300  
Fax: 505/234-7027

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From: *SOZ* Steve Zappe

Number of Pages (including this cover sheet): 2

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**COMMENTS**

Inés -

This is a corrected copy of a letter originally dated November 5, 1999 which we mailed last week. The original attachments to the November 5 letter are still valid and have not changed. Please replace the November 5 transmittal letter with this one. Original of this corrected copy will follow in the mail.

cc: Greg Lewis, NMED  
Debby Brinkerhoff, HRMB  
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