



**Department of Energy**  
Carlsbad Field Office  
P. O. Box 3090  
Carlsbad, New Mexico 88221  
September 25, 2001

ENTERED

SEP 2001  
RECEIVED

Mr. James Bearzi  
New Mexico Environment Department  
2905 E. Rodeo Park Drive, Bldg. 1  
Santa Fe, NM 87505

RE: Idaho National Engineering and Environment Laboratory (INEEL) Compositing Waste  
Enroute to WIPP

Dear Mr. Bearzi:

The purpose of this letter is to acknowledge receipt of the New Mexico Environment Department's letters of September 24, 2001 regarding a Notice of Violation for the disposal of waste composited at the generator sites between July 20, 2000 and September 24, 2001 and denying our Temporary Authorization Request. It is our understanding that WIPP shall no longer direct site personnel to characterize waste using the Class 1 permit modifications listed in your letter. However, your letter allows us to accept those waste at WIPP for management, storage and disposal that were composited using the modification of July 20, 2000 (i. e., 5 to 1 compositing) through September 24, 2001 until November 27, 2001. Your letter also allows continued receipt of waste sampled through September 24, 2001 using the modifications of November 1, 2000 and December 12, 2000 until the November 27, 2001 compliance date. One circumstance not addressed by your letter is waste that is enroute to WIPP as of September 24, 2001. This situation requires your clarification.

On September 10, 2001 the INEEL sent shipments IN010137 and IN010138 to WIPP for disposal. These shipments include drums that were composited 10 to 1 under the July 20, 2000 and November 1, 2000 (i. e., up to 20 to 1 compositing) permit modifications during the time period covered by the Notice of Violation. These shipments include 52 drums of waste. These shipments would have arrived at the WIPP facility on September 12, 2001. However, when the tragic terrorist attack occurred on September 11, 2001, the DOE took immediate action to secure its facilities and operations. This included the cessation of all waste shipments and the diversion of enroute shipments to "safe havens". The safe haven for these two shipments is the Rocky Flats Environmental Technology Site in Colorado. On September 24, 2001, the DOE announced the resumption of shipments to WIPP. We would now like to complete these shipments to WIPP for disposal. However, we do not want to perform any actions that may be interpreted as a violation of the recent "Schedule for Completion" referenced in your letter and defined in Mr. Lewis' letter.

Your timely decision on this matter is requested. If you have any questions with regarding to this matter, please contact me at (505) 234-7300.

Sincerely,

Dr. Inés R. Triay  
Manager



Mr. James. Bearzi

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September 25, 2001

cc:

K. Watson, CBFO

J. Plum, CBFO

J. Lee, WTS

R. Kehrman, WTS