



GARY E. JOHNSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
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PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

September 26, 2001

Dr. Inés Triay, Manager  
Carlsbad Field Office  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221-3090

Mr. John Lee, General Manager  
Westinghouse TRU Solutions LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: INEEL COMPOSITED WASTE EN ROUTE TO WIPP  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (NMED) received your letter regarding "Idaho National Engineering and Environmental Laboratory (INEEL) Compositated Waste Enroute to WIPP" on September 25, 2001. In your letter, the Department of Energy Carlsbad Field Office and Westinghouse TRU Solutions LLC (the Permittees) seek permission to receive INEEL TRU mixed waste shipments IN010137 and IN010138 for management, storage, and disposal at the Waste Isolation Pilot Plant (WIPP). Your letter described the circumstances under which these two shipments that left INEEL on September 10, 2001, were detained at the Rocky Flats Environmental Technology Site in Colorado as a "safe haven" following the terrorist attacks on September 11, 2001.

The containers included in these shipments were sampled for headspace gas analysis by compositing 10 samples prior to analysis, using modifications to the Permit that have since been rejected by NMED. The Schedule for Completion in Greg Lewis's September 24, 2001 letter only allows the Permittees to manage, store, and dispose of waste characterized prior to that date using procedures that allow compositing of up to 5 samples prior to analysis, among other restrictions specified in the compliance criteria.

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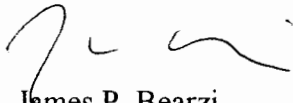


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The Permittees' receipt of these two shipments at WIPP, and the management, storage, and disposal of wastes from these shipments, are included as violations in the Notice of Violation issued by NMED on September 24, 2001. They are not violations of the Schedule for Completion.

If you have any questions regarding this matter, please contact me at (505) 428-2512.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: Paul Ritzma, NMED OGC  
John Kieling, NMED  
Susan McMichael, NMED OGC  
[REDACTED]  
David Neleigh, EPA Region 6  
Connie Walker, TechLaw, Inc.  
WIPP File - Red '01