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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 30, 2015

Jose R. Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Robert L. McQuinn, Project Manager
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**RE: WIPP NITRATE SALT BEARING WASTE CONTAINER ISOLATION PLAN, REVISION 1
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and McQuinn:

On May 20, 2014, the New Mexico Environment Department (“NMED”) issued an Administrative Order (“Order”) requiring the Department of Energy (“DOE”) and Nuclear Waste Partnership, LLC (“NWP”; collectively, with DOE the “Permittees”), to submit a Waste Isolation Pilot Plant (“WIPP”) Nitrate Salt-Bearing Waste Container Isolation Plan (“Plan”). Among the requirements of the Order was the inclusion of a detailed proposal for the expedited closure of Panel 6 and Panel 7, Room 7. The Plan was received by NMED on May 30, 2014, and included a proposal for a two-step method for initial and permanent closure of Panel 6.

On August 5, 2014, NMED approved the expedited initial closure of Panel 6 and the continuation of filtration of underground exhaust air as identified in Sections 3.2.2 and 3.4.1 of the Plan. NMED also requested additional information before other portions of the Plan could be approved. On September 30, 2014, the Permittees submitted Revision 1 to the Plan, which included responses to NMED comments and supporting documents. Based on the review of Revision 1 of the Plan and discussions with the Permittees, NMED hereby approves Revision 1 of the Plan with the exception of Sections 3.2.3 and 3.3.3, which include the proposed activities for permanent closure of Panel 6.

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NMED previously approved the expedited initial closure of Panel 6 as mentioned above. The approval process for permanent, final closure of all panels, including Panel 6, will be subject to public participation requirements in accordance with 40 CFR §270.42 and 20.4.1.901 NMAC. NMED and the Permittees will continue discussions with regard to final closure of all panels, ultimately resulting in the submittal of a modification request to the WIPP Hazardous Waste Permit, which will include an opportunity for public comment. NMED reserves the right to submit additional questions on the Plan as provided in Paragraph 22.b of the Order.

The Permittees shall update Revision 1 of the Plan as appropriate including; Attachment A, the date the Accident Investigation Board (“AIB”) released Panel 7, Room 7, the date the AIB Phase 2 report was released, and an expanded discussion on how gas buildup in Panel 7, Room 7 will be mitigated while workers are in Panel 7, Room 6. The Permittees shall submit the updated Plan to NMED by May 29, 2015. In order to ensure the continued protection of human health and the environment, NMED strongly recommends that workers are fully equipped with the appropriate personal protective equipment during all phases of closure activities.

If you have any questions regarding this matter, please contact Ricardo Maestas at (505) 476-6050 or John Kieling at (505) 476-6035.

Sincerely,



Ryan Flynn
Secretary

New Mexico Environment Department

cc: K. Roberts, Director, NMED RPD
J. Kieling, NMED HWB
R. Maestas, NMED HWB
S. Holmes, NMED HWB
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