State of New Mexico
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 24, 2014

Jose 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: DRAFT UNDERGROUND COMPLIANCE PLAN
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088

Dear Messrs. Franco and McQuinn:

On May 12, 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 draft Underground Compliance Plan ("UCP") for NMED review and comment (Order paragraph 17(a)) and an Underground Derived Waste Storage Plan for NMED approval (Order paragraph 17(b)). Both plans, dated June 25, 2014, were received by NMED on June 26, 2014, and are in the process of being reviewed. This letter specifically addresses the draft UCP. NMED will address the Underground Derived Waste Storage Plan under separate cover.

The UCP describes prerequisite activities that must take place and states that the Permittees' priorities place safety, health, and environmental protection ahead of mission resumption. The priorities listed include: mine stability; ventilation; underground habitability; underground maintenance; and some decontamination. The UCP goes on to state, "[a]ctivities cannot be started until the appropriate prerequisite activities have been completed. Dates are subject to change as field conditions change over time. Once the Recovery Plan is finalized more definitive dates will be available and an update to this Plan will be submitted to the NMED."

The UCP relies heavily on the Recovery Plan, which has not yet been provided to NMED. Consequently, NMED is hereby suspending its review of this draft UCP. NMED has been informed that DOE anticipates that the Recovery Plan will be released by the end of September or early October 2014. When the Recovery Plan is finalized and released, the Permittees shall submit an updated UCP within 30 days for NMED's review and comment. The updated UCP shall identify what steps in the Recovery Plan must occur before the UCP can proceed. Since the activities are interdependent, the Recovery Plan shall be included as an attachment to the updated UCP.

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

Sincerely,

Butch Tongate

for Ryan Flynn
Secretary
New Mexico Environment Department

cc: T. Blaine, Director, NMED EHD
J. Kieling, NMED HWB
R. Maestas, NMED HWB
T. Skibitski, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
File: Red WIPP '14