



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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RON CURRY
SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 9, 2006

Dear Commenter on the WIPP Draft Permit:

On February 27, 2006, the New Mexico Environment Department (**NMED**) mailed a letter to the 11 individuals and organizations that had submitted a notice of opposition to and request for hearing on NMED's draft permit for the Waste Isolation Pilot Plant (**WIPP**) facility, issued November 23, 2005 (**Draft Permit**). The letter stated that NMED was convening a meeting on March 9, 2006 pursuant to 20.4.1.901.A(4) NMAC, which states that the NMED, in conjunction with the applicants, must respond to requests for hearings and notices of opposition to draft permits issued under the State Hazardous Waste Act in an effort to resolve those issues that gave rise to the hearing request(s). Although 20.4.1.901.A(4) NMAC allows an opponent to withdraw their hearing request if the negotiations satisfactorily resolve their concerns, no person or entity participating in such negotiations is required to do so. In addition, the results of any such negotiations are not binding on any individuals or organizations that chose not to participate and do not affect non-participants' requests for hearing.

Participants at the meeting included NMED; the WIPP permittees (the United States Department of Energy, the owner and co-operator of WIPP, and Washington TRU Solutions, LLC, the co-operator of WIPP); Southwest Research and Information Center (**SRIC**); Concerned Citizens for Nuclear Safety (**CCNS**); Citizens for Alternatives to Radioactive Dumping (**CARD**); the New Mexico Attorney General's Office (**AGO**); and other individuals who participated by telephone. The participants continued their meetings on March 10, March 14-17, March 24, April 3-7, April 10-14 and May 3, 2006.

As a result of the negotiations during these meetings, some of the participants executed and signed the enclosed *Stipulation on Changes to Language in the Draft Permit for the Waste Isolation Pilot Plant* (**Stipulation**). The Stipulation summarizes the agreement that was reached among the signatories (**the Parties**). Stipulation Exhibit A sets forth agreed to changes in the Draft Permit in redline/strikeout format (the Parties to the Stipulation also agreed to unchanged language in the Draft Permit). Stipulation Exhibits B-CCNS and B-CARD indicate that CCNS and CARD, respectively, also agree to the changes and unchanged language, except for specific language or issues related to the Draft Permit as changed by Exhibit A and identified on their Exhibit Bs to which they do not agree and preserve their rights to object, oppose, or propose alternative language regarding these areas of disagreement.

Because you submitted written comments on the Draft Permit, we have enclosed a copy of the Stipulation and the pages from the Draft Permit that reflect the agreed to changes. There is still time for you to participate in this negotiation process. NMED urges you to review the Stipulation and the exhibits. If you agree with the proposed changes to the Draft Permit, as shown in Exhibit A, you may complete your own Exhibit B (a blank Exhibit B is enclosed) by writing your name in the blank after "PARTY MAKING THE EXCEPTIONS" and writing "No exceptions" after "LANGUAGE AND ISSUES EXCEPTED". If you generally agree with the proposed changes to the Draft Permit, as shown in Exhibit A, but have some reservations or specific language to which you wish to preserve your rights to object or oppose at a public hearing or on appeal, you may list these reservations in your own Exhibit B after "LANGUAGE AND ISSUES EXCEPTED". If you choose to submit an Exhibit B, you must sign and date it, and file it with the Hearing Clerk no later than the close of the public hearing at:

Hearing Clerk
Harold Runnels Building – Room N2150
1190 S. St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502

Regardless of whether or not you choose to submit an Exhibit B, NMED encourages you to attend the upcoming public hearing either in Carlsbad or in Santa Fe. Information on the dates and times for the hearing were sent to you on March 28, 2006 and are also listed on the NMED web page at <<http://www.nmenv.state.nm.us/wipp/>>.

Thank you again for your interest in the WIPP Permit. Please call the NMED's Hazardous Waste Bureau at (505) 428-2500 if you have any questions or require additional information.

Sincerely,

Original signed by

James P. Bearzi
Chief
Hazardous Waste Bureau

EXHIBIT B

EXCEPTIONS TO EXHIBIT A

PARTY MAKING EXCEPTIONS: _____

LANGUAGE AND ISSUES EXCEPTED:

Signed by: _____ Date: _____