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STEVE MCCUTCHEON  
CITY ADMINISTRATOR

July 18, 2013



To: Secretary-Designate Ryan Flynn, New Mexico Environment Department  
Trais Kliphuis, WIPP Staff Manager  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505

Ryan.Flynn@state.nm.us  
trais.kliphuis@state.nm.us

Dear Secretary Flynn and Ms. Kliphuis:

I'm writing on behalf of the Carlsbad Mayor's Nuclear Task Force ("Task Force"), an organization with a high level of interest in the Waste Isolation Pilot Plant's Resource Conservation and Recovery Act (RCRA) permit with the New Mexico Environment Department. Your organization is currently considering two Class 3 permit modification requests by the Department of Energy and its contractors – one PMR that suggests facility changes to the WIPP underground and one PMR suggesting a modification to the "excluded waste prohibition" put into the permit in 2004. Your organization elevated the latter PMR to a Class 3 process on July 2, 2013.

I'm requesting that the Task Force, and indeed all the citizens of Carlsbad, be provided with the highest possible level of inclusion throughout the resolution of these two Class 3 permit requests. Our Task Force includes city councilors, county commissioners and other representatives of Southeastern New Mexico. The citizens of Southeastern New Mexico are the most important stakeholders when it comes to WIPP, and a high level of communication and education is important. Specifically, we would also request the following:

1. If hearings are requested, the Task Force wishes to provide testimony.

The residents of Carlsbad, who have family and friends who work in the WIPP underground, certainly deserve a place at the table in a hearing involving proposed changes to the underground facility and at a hearing related to the potential contents of what is disposed in the WIPP underground. Our residents are the WIPP facility's most important stakeholders. The Task Force may have an interest in providing the hearing officer with both technical and non-technical testimony.

COUNCILORS

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**2. If hearings are requested, they should be held in Carlsbad.**

Southeastern New Mexico is, without any doubt, the region that stands to be the most affected by the outcome of these hearings. It's also a topic of high interest to the democratically-elected officials in the region: Carlsbad's City Council and Eddy County's Commission both passed unanimous resolutions in support of removing the "excluded waste prohibition," and our area's state legislators wrote letters in support of both PMRs.

I understand that your state administrative code allows you to either hold hearings in Santa Fe or within any area of the state substantially affected by the proceeding. I would strongly urge the NMED to follow EPA Administrative procedures, which state in 40 CFR 124:12 (a)(3) that "whenever possible the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility."

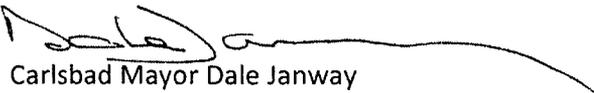
Ultimately, these discussions are discussions about safety and operations, and the citizens who work at WIPP or live near WIPP very much deserve that WIPP hearings, if requested, take place nearby.

**3. The Task Force would like to see the Class 3 PMRs resolved promptly.**

Efficient resolution of these two permit modification requests is greatly beneficial to the public, which has grown frustrated with delays and the added costs such delays incur on taxpayers. Secretary, I'd ask you to personally make sure these two PMRs are resolved as promptly as possible within the boundaries of the Class 3 process.

Thank you for your consideration, and I hope we can discuss this matter again soon.

Sincerely,

  
Carlsbad Mayor Dale Janway