



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

Harold Runnels Building
1190 Saint Francis Dr., Santa Fe, NM 87505
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us

Jeffrey M. Kendall, General Counsel

March 3, 2014



RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

VIA E-MAIL

Tracy Hughes
thugheslaw@comcast.net

Re: Request to Inspect Public Records

Dear Ms. Hughes:

On February 28, 2014 this office received a request for public information. You request information pertaining to: all communication between NMED, Department of Energy and EPA regarding the radiation release at the WIPP facility detected on or about February 14, 2014. (See attached request).

I forwarded your request to the bureaus on March 3, 2014. The bureaus will respond by March 17, 2014.

Should you have any questions, please contact the Hazardous Waste Bureau at (505) 476-6035, the District III Field Office at (575) 885-9023, the DOE Oversight Bureau at (505) 845-5932, the Office of the Secretary and the Office of General Counsel at (505) 827-2855.

Sincerely,

Melissa Y. Mascareñas
New Mexico Environment Department
Department Public Records Custodian

cc: Ryan Flynn, Cabinet Secretary
Jeffrey M. Kendall, General Counsel
John Kieling, Chief, Hazardous Waste Bureau
Jack King, Acting Bureau Chief, Field Operations & Infrastructure Division
Tom Skibitski, Chief, DOE Oversight Bureau
Michael Kesler, Acting District Manager

RECEIVED

MAR - 3 2014

**NMED
Hazardous Waste Bureau**





**NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM**

Please fill out the following information:

1. Date: February 27, 2013
2. Requestor's Name: Tracy Hughes
3. Requestor's Address: P.O. Box 8201
Santa Fe, New Mexico 87501
4. Phone No.: (505) 819-1710
5. Email: hughes@energyenvironmentlaw.com
6. Company Being Represented: High Desert Energy and Environment Law Partner, LLC
7. Address: Same as above
8. Document or File being requested to be reviewed or copied (please describe the records in sufficient detail to enable Department personnel to reasonably identify & locate the records:

I request to inspect all documents, including but not limited to: emails, memos, internal notes, drafts, notes to file, letters, reports, and phone texts pertaining to the radiation release at the WIPP facility detected on or about February 14, 2014. Specifically, I request:

- Any reports or reporting to NMED, EPA, DOE, or any other regulatory agency or oversight body, from DOE (including its contractors or agents), CEMRC, or any other entity regarding the aforementioned detection of radiation at the WIPP facility, underground or above ground.
- Any documents discussing the Contingency Plan under DOE's Hazardous Waste Facility Permit for WIPP, including whether the Plan was, will be, could be, or should be implemented as a consequence of the radiation detection.
- Any documents regarding analyses from the monitoring system at WIPP operated by NMED's DOE Oversight Bureau.
- Any communication, as described above, between DOE (including its contractors or agents), CEMRC, or any other entity or person and NMED.
- Any communications, as described above, regarding the ramifications, including operational changes contemplated for the WIPP facility, of the detected radiation or its transport, exposure to the WIPP facility or to humans, or contamination of the WIPP facility,

Additionally, I would like to inspect all documents, emails, phone texts, memos, internal notes, drafts, notes to file, letters, reports regarding the WIPP underground fire that occurred on or about February 5, 2014. Specifically:

- Any reporting from DOE (including its contractors or agents), CEMRC, or any other entity regarding the fire at WIPP.
- Any documents discussing the Contingency Plan, including whether it was or will be implemented in regards to the fire.

Please contact me when the documents are available for inspection. If the documents available in electronic form, please email them to me at the above address.

9. NMED Bureau where Document/File can be found (if known): Hazardous Waste Bureau, DOE Oversight Bureau, Office of the Secretary (including directors of NMED's various divisions) and Office of General Counsel.

Signature

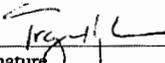
The cost for copying by NMED is as indicated on Attachment A. Please send this request to:

Melissa Y. Mascareñas
Inspection of Public Records Officer
1190 St. Francis Drive, Ste. N-4050
Santa Fe, New Mexico 87505
fax: (505) 827-1628 or
email: melissa.mascarenas@state.nm.us

- Any reporting from DOE (including its contractors or agents), CEMRC, or any other entity regarding the fire at WIPP.
- Any documents discussing the Contingency Plan, including whether it was or will be implemented in regards to the fire.

Please contact me when the documents are available for inspection. If the documents available in electronic form, please email them to me at the above address.

9. NMED Bureau where Document/File can be found (if known): Hazardous Waste Bureau, DOE Oversight Bureau, Office of the Secretary (including directors of NMED's various divisions) and Office of General Counsel.



Signature

The cost for copying by NMED is as indicated on Attachment A. Please send this request to:

Melissa Y. Mascareñas
Inspection of Public Records Officer
1190 St. Francis Drive, Ste. N-4050
Santa Fe, New Mexico 87505
fax: (505) 827-1628 or
email: melissa.mascarenas@state.nm.us