



MICHELLE LUJAN GRISHAM
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Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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JAMES C. KENNEY
Cabinet Secretary Designate

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 25, 2019

Todd Shrader, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, NM 88221-3090

Bruce C. Covert, Project Manager
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, NM 88221-2078

**RE: INFORMATION REQUEST, DETERMINATION OF CLASS FOR
NEW SHAFT AND ASSOCIATED CONNECTING DRIFTS
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

On January 2, 2018, the New Mexico Environment Department ("NMED") received the Department of Energy's ("DOE") and Nuclear Waste Partnership's ("NWP") (collectively, the "Permittees") letter, dated December 22, 2017, entitled *Request for a Determination of Class for a Permit Modification Request* ("Class Determination") for the Excavation of a New Shaft and Associated Connecting Drifts.

NMED has completed a review of the Class Determination and is requesting additional information to process the request. NMED is requesting responses to the following comments.

1. Elaborate on the technological advancement to the WIPP facility identified in the Class Determination as new ventilation control technology.
2. Clarify whether the uses of the proposed new shaft, as outlined in the Class Determination, have changed since the submittal.
3. Clarify why the new shaft project now is being referred to as the "Utility Shaft Project".

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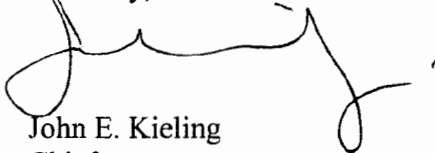


4. Clarify whether the designation of the proposed new shaft as a utility shaft significantly changes any of the ventilation parameters described in the Class Determination.
5. Identify whether a hoist is planned for the proposed new shaft as part of the project. If this is the case, state why a description of a hoist is not included in the Class Determination.
6. The Class Determination was submitted on December 22, 2017. Permit modifications have been made since that time including: Class 1 modifications and approvals of the New Filter Building, changes to the Training Program, and changes to the Panel Closure Plan. Clarify whether these modifications, or any others, affect the statements made in the overview or affect the proposed Permit text contained in the Class Determination.
7. Identify additional Permit language or any changes to Permit text that should be considered to the Class Determination since its submittal.
8. State whether the proposed new shaft and associated connecting drifts support development of future disposal units to replace disposal capacity lost in Panel 9 and unused portions of Panel 7.
9. State the current timeframe for the proposed new shaft and associated drifts to connect to the existing underground facility.
10. Provide any other updates not identified in the comments above regarding the Class Determination.

The Permittees must address the comments for NMED to complete its review and make a determination of class. The Permittees must submit a response to this letter no later than March 27, 2019.

If you have any question regarding this matter, please contact Ricardo Maestas of my staff at (505) 476-6050.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

Messrs. Shrader and Covert
January 25, 2019
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cc: R. Maestas, NMED HWB
D. Biswell, NMED HWB
M. McLean, NMED HWB
S. Lucas-Kamat, NMED DOE/OB
M. Brown, DOE CBFO
A. Stone, DOE CBFO
R. Chavez, NWP
L. King, EPA Region 6
T. Peake, EPA ORIA
File: WIPP '19