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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau  
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WIPP file

MARK E. WEIDLER  
SECRETARY  
EDGAR T. THORNTON, III  
DEPUTY SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 20, 1995

Mr. George Dials, Manager  
Carlsbad Area Office  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221

Dear Mr. Dials:

**RE: Order on WIPP Draft Permit**

On September 2, 1994, the Secretary of the New Mexico Environment Department (NMED) issued an order concerning the Waste Isolation Pilot Plant (WIPP) draft hazardous waste facility permit. Each order is presented below, followed by the response or action required by the order:

22. The Regulations require a public hearing before a ruling on the issuance or denial of the draft permit; however, in an effort to achieve the most efficient use of public monies, no ruling is made on the issuance or denial of the draft permit at this time.

No response or action was required.

23. In that DOE has stated that it no longer intends to conduct testing at WIPP, the draft permit is **WITHDRAWN AND REMANDED** to NMED's Hazardous and Radioactive Materials Bureau.

The draft permit was remanded to the Hazardous and Radioactive Materials Bureau (HRMB) on September 2, 1994.

24. By May 31, 1995, DOE shall submit a complete revised application that more accurately reflects future WIPP activities.

DOE submitted Revision 5 of the RCRA Part B Permit Application to HRMB on May 26, 1995.



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25. *Within twenty-one calendar days of this order, DOE shall submit a schedule of milestones of its anticipated progress of submissions on the revised application.*

In a September 15, 1994, letter from George Dials to the NMED Secretary, DOE presented a "proposed schedule for submitting revised chapters of the RCRA Part B permit application to the NMED..."

26. *Within one month of this Order, DOE shall hold a stakeholders meeting to explain its schedule and permit revisions.*

DOE held a special stakeholder update on September 26, 1994, at the Howard Johnson's Plaza Hotel in Albuquerque to explain scheduled milestones and permit revisions.

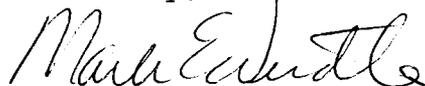
27. *If no complete revised permit application is received by the Hazardous and Radioactive Materials Bureau by May 31, 1995, a public notice of intent to deny will automatically be issued.*

HRMB acknowledges receipt of Revision 5 of the RCRA Part B Permit Application on May 26, 1995. Therefore, this order is not applicable.

Since all requirements of the Secretary's order have been met, I hereby close the September 2, 1994 order. HRMB will now proceed to review, with contractor assistance, the permit application to determine if it meets regulatory requirements. HRMB will also public notice receipt of this permit application and identify locations throughout the state where the public may review it.

If you have any questions on this matter, please contact Benito Garcia or Barbara Hoditschek of my staff at (505) 827-4308.

Sincerely,



Mark E. Weidler  
Secretary

MEW:SZ:sz

cc: Ed Kelley, Ph.D., Director, WWMD  
Tracy Hughes, OGC  
Benito J. Garcia, HRMB  
Barbara Hoditschek, HRMB  
Steve Zappe, HRMB  
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