October 16, 1998

Mr. Michael McFadden, Acting Manager  
Mr. Joe Epstein, General Manager  
Carlsbad Area Office  
Westinghouse Electric Corporation  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221  

Dear Messrs. McFadden and Epstein:

RE: Confirmation of Panel 2 Construction

The New Mexico Environment Department (NMED) is finalizing the draft permit for the Waste Isolation Pilot Plant (WIPP) for the Department of Energy (DOE) and Westinghouse Waste Isolation Division (WID). We anticipate setting a public hearing for the draft permit as expeditiously as possible. However, in a telephone conversation yesterday Kent Hunter of DOE's Carlsbad Area Office informed Nathan Wade, NMED's Communications Director, that DOE and WID had begun construction of the Panel 2 "entranceway". NMED requests that DOE and WID confirm this statement in writing, providing a detailed description of this activity and a statement addressing the legal authority for this action. In order to expedite the permitting of the WIPP facility, NMED further requests that DOE and WID submit this information by October 23, 1998.

If you have any questions, please contact me at (505) 827-1557 or Susan McMichael at (505) 827-0127.

Sincerely,

Benito J. Garcia  
Chief, Hazardous and Radioactive Materials Bureau

cc: Ed Kelley, NMED  
Susan McMichael, NMED OGC  
David Neleigh, EPA Region 6  
WIPP File - Red '98