



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



PETER MAGGIORE
SECRETARY

VIA FACSIMILE: (505) 234-7008 and (505) 887-5783

October 16, 1998

Mr. Michael McFadden, Acting Manager
Carlsbad Area Office
Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221

Mr. Joe Epstein, General Manager
Westinghouse Electric Corporation
P.O. Box 2078
Carlsbad, New Mexico 88220

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

981013

