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REFERENCES IN TRANSCRIPT
CONCERNING STATEMENTS THAT EID LACKED
JURISDICTION OVER THE TREATMENT OF RADIOACTIVE WASTE

LEGAL

<u>Source</u>	<u>Speaker</u>	<u>Summary Description</u>
1. Tr., Vol.I at 37-38	EID: Crossman	<p>The draft permit can only regulate chemical waste. The permit cannot regulate radioactive waste.</p> <p>The state Hazardous Waste Act does not regulate radioactive waste in any way. The Hazardous Waste Act only applies to wastes that meet the legal definition of hazardous waste.</p>
2. Tr., Vol.I at 38	EID: Crossman	<p>The New Mexico Hazardous Waste Act cannot be applied to radioactive wastes and the EID has no authority through the permit procedure to regulate radioactive waste.</p>
3. Tr., Vol. I at 42	EID: Crossman	<p>The permit will only authorize the incineration of strictly chemical hazardous waste.</p>
4. Tr., Vol. I at 43	EID: Crossman	<p>No RCRA hazardous waste permit can regulate radioactive waste.</p>
5. Tr., Vol. I at 47	EID: Crossman	<p>No RCRA permit could evaluate the radioactive part of mixed waste.</p>
6. Tr., Vol. I at 51	EID: Crossman	<p>Only wastes that are strictly chemical, without contamination by radionuclides, are addressed by the permit.</p>
7. Tr., Vol. I at 60	EID: Crossman	<p>Source, special nuclear and byproduct materials are specifically excluded and are outside the purview of the permit. The law which authorizes EID activities does not address radioactivity.</p>



<u>Source</u>	<u>Speaker</u>	<u>Summary Description</u>
8. Tr., Vol. I at 62	EID: Crossman	Mixed waste is subject to AEA, and regulations under the AEA, RCRA, and regulations under RCRA, and the State Hazardous Waste Act and the regulations under the State Hazardous Waste Act.
9. Tr., Vol. I at 68	EID: Crossman	Radioactivity is outside of my [EID] authorization.
10. Tr., Vol. I at 70	EID: Crossman	DOE is authorized to develop regulations concerning the management of radioactive waste. DOE has developed regulations that cover radioactive waste.
11. Tr., Vol. I at 119	EID: Crossman	Regulations concerning radiation are beyond my (EID) scope of authority.
12. Tr., Vol. I at 122	EID: Crossman	The subject of monitoring for radioactivity is outside the purview of the permit, therefore, it is not in the permit.
13. Tr., Vol. I at 124-125	EID Attorney: Nelson	Crossman is qualified to speak concerning the permit and for the Hazardous Waste Bureau.
14. Tr., Vol. I at 130	EID: Crossman	Radionuclide emission standards are unregulated under Hazardous Waste Laws, but are regulated under the Clean Air Act.
15. Tr., Vol. I at 171	EID: Crossman	The effect of nuclear waste on various chemical waste and mixed waste is outside the scope of this permit.

<u>Source</u>	<u>Speaker</u>	<u>Summary Description</u>
16. Tr., Vol. I at 175-176	EID Attorney: Nelson	The EID written statement was developed for the Hazardous Waste Bureau for the permit hearing held on July 18, 1989. The written statement has been reviewed by the directors office and approved by the director as a statement of EID. The EID statement is the truest, clearest, fullest statement coming out of the Hazardous Waste Bureau concerning the issuance of the permit.
17. Tr., Vol. I at 179	EID Attorney: Nelson	This permit does not deal with radioactive incineration in any way.
18. Tr., Vol. I at 206	EID Attorney: Nelson	EID's written statement is the best statement of EID's understanding of the lawful operation and restrictions on EID as of July 18, 1989.
19. Tr., Vol. I at 212	Hearing Officer: Youngblood	Questions concerning background radiation are not part of the public hearing held on July 18, 1989.