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PETER MAGGIORE
SECRETARY

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May 17, 2000

Don Hancock
Southwest Research and Information Center
P.O. Box 4524
Albuquerque, New Mexico 87106

RE: REQUEST FOR PUBLIC COMMENT PERIOD FOR FINAL AUDIT REPORTS

Dear Mr. Hancock:

On April 12, 2000, you submitted a letter on behalf of the Southwest Research and Information Center (SRIC) to the New Mexico Environment Department (NMED) expressing your disappointment in the lack of public participation in the review and approval of final audit reports. You requested that NMED provide at least a 45-day comment period for the public, suggesting that "[s]uch a timeframe would allow for meaningful public review... [of] the voluminous documents that will be included" in a final audit report. As stated below, we have considered and responded to your concerns during the permitting process.

SRIC requested access to the final audit reports for Rocky Flats Environmental Technology Site (RFETS) and Hanford. NMED provided you copies of the audit reports and B6 checklists for both facilities shortly after receiving them from DOE/CAO. You submitted comments on the RFETS final audit report on February 14, 2000, which NMED considered in its review of the RFETS report. NMED also responded directly to your comments on March 9, 2000. In fact, you raised a similar concern in your February 14 letter by requesting additional time for public comment. NMED responded at that time by stating:

SRIC or any other member of the public may submit comments on the Audit Report. As stated in NMED's Direct Testimony at the WIPP public hearing:

"New Mexico law mandates access to public records. Audit reports produced in response to permit conditions are public records. A member of the public is entitled to review the audit reports and submit written or oral comment to NMED." (Audit Requirement, p. 7)

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Mr. Don Hancock

May 17, 2000

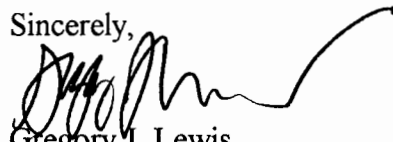
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However, neither NMED nor Permittees are required to provide public notice of the availability of an Audit Report, and there is no specified duration for a public comment period. NMED informed SRIC that their comments were welcome, and suggested a submittal date sufficiently early to ensure the comments could be considered in evaluating the Audit Report. Further, NMED has provided the public over thirty days to review and comment. No other member of the public has requested an opportunity to review or submit comments on the Audit Report.

NMED will continue to make these records available to all interested members of the public, and will ensure that SRIC receives copies of the final audit report and B6 checklist for each facility upon receipt from DOE.

NMED appreciates your ongoing involvement in the WIPP regulatory process. If you have any further questions regarding this matter, please contact me at (505) 827-1758.

Sincerely,



Gregory J. Lewis

Director

Water and Waste Management Division

cc: James Bearzi, HRMB
Susan McMichael, NMED OGC
John Kieling, HRMB
Steve Zappe, HRMB
Inés Triay, DOE/CAO
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