

From: Maestas, Ricardo, NMENV
Sent: Monday, January 09, 2017 1:41 PM
To: Allen, Pam, NMENV
Subject: FW: Response to December 22nd and 25th Emails

From: Roberts, Kathryn, NMENV
Sent: Wednesday, December 28, 2016 5:39 PM
To: Dave McCoy (dave@radfreenm.org) <dave@radfreenm.org>; Joni Arends (jarends@nuclearactive.org) <jarends@nuclearactive.org>
Cc: Tongate, Butch, NMENV <butch.tongate@state.nm.us>; Borrego, Juan Carlos, NMENV <juancarlos.borrego@state.nm.us>; Hower, Jennifer, NMENV <Jennifer.Hower@state.nm.us>; Kieling, John, NMENV <john.kieling@state.nm.us>; Maestas, Ricardo, NMENV <Ricardo.Maestas@state.nm.us>; Majure, Allison, NMENV <Allison.Majure@state.nm.us>
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Mr. McCoy and Ms. Arends,

Thank you for your emails of December 25th and December 22, 2016.

As you know, the New Mexico Environment Department (NMED), Hazardous Waste Bureau (HWB) is responsible for enforcing the provisions of the Resource Conservation and Recovery Act (RCRA). The Department of Energy (DOE) Operational Readiness Review (ORR) is a requirement of DOE Order 425.1D, *Verification of Readiness to Start Up or Restart Nuclear Facilities* and is not a requirement of WIPP's RCRA Permit. Therefore, NMED does not have regulatory authority over DOE's ORR. The scope of the DOE ORR is also far broader than that of WIPP's RCRA Permit. However, NMED did note in its letter dated December 16, 2016, that "...NMED would appreciate confirmation that all DOE Operational Readiness Review Pre-start activities and actions have been completed."

The HWB inspection team conducted a thorough review of all pertinent records (e.g., training, inspection), inspected all areas listed in the RCRA Permit and confirmed that DOE had satisfactorily completed all corrective actions described in NMED's Administrative Orders (AOs) and Administrative Compliance Order (ACO).

Based upon NMED's regulatory purview under RCRA and the Hazardous Waste Act, the inspection team concluded that WIPP was ready to resume normal operations.

Sincerely,

Katie Roberts

Kathryn Roberts
Resource Protection Division Director
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