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STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

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December 5, 1986

R. G. Romatowski, Manager
Albuquerque Operations Office
U. S. Department of Energy
P. O. Box 5400
Albuquerque, New Mexico 87115

Dear Mr. Romatowski:

I appreciated the opportunity we had to meet Wednesday, December 3, 1986, to discuss New Mexico's concerns regarding the applicability of Subpart B of the EPA's Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes, 40 CFR § 191 *et seq.* (EPA Standards), to the Waste Isolation Pilot Project (WIPP). I expect that the January, 1987, meeting between New Mexico's Environmental Evaluation Group (EEG) and WIPP's technical contractors to discuss the substantive elements of WIPP's proposed EPA Standards compliance plans will provide the State with additional information addressing those concerns. I understand that this meeting will take place January 7, 1987. Whether that information will be sufficient to satisfy the State's concerns cannot be determined until after the close of that meeting and the State reserves, accordingly, until that time the determination of whether you will need, pursuant to Article IX of the Agreement for Consultation and Coordination, to advise the State in writing what Department of Energy action, if any, is contemplated with respect to our concerns. My office will advise you of its position following the January, 1987, meeting.

Sincerely,

DENISE FORT, Chairwoman
Radioactive Waste Consultation
Task Force, State of New Mexico

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cc: Robert H. Neill, Environmental Evaluation Group
Gini Nelson, Legal Bureau

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