

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
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(505) 827-2850

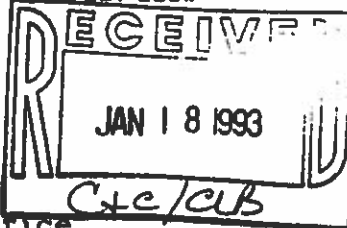
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JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

BRUCE KING
GOVERNOR



December 29, 1992

John Arthur, III, Director
WIPP Project Integration Office
Department of Energy
Field Office, Albuquerque
P.O. Box 5400
Albuquerque, NM 87115

RE: NMED Review of WIPP WACCC Documents

Dear Mr. Arthur:

In response to your November 27, 1992 correspondence, I would like to take this opportunity to address the issue of the Environment Department's review of DOE documents. Specifically, the issue pertaining to time frames in which NMED will provide comments and the related issue of lack of resources available to NMED for DOE document review.

In reference to the documents identified in your transmittal, we have no comment with the exception of the Lawrence Livermore National Laboratory (LLNL) TRU Waste Program Certification and Quality Assurance Plan, Rev. 1, which was erroneously identified in your transmittal as a document for which you had not received comments from NMED. Comments on the LLNL document were submitted to your office on April 24, 1992 as stated in my letter to you of August 7, 1992. A point by point response was transmitted by your office on November 25, 1992. It concerns me that the WACCC has formally approved this document without our having provided a determination that our comments had been adequately addressed.

The documents identified in your transmittal pertaining to facilities involved with the WIPP test phase may be reviewed by NMED as part of the ongoing Part B RCRA Permit review for the WIPP test phase.

In regard to time frames for submission of comments, I transmitted to James Bickel an agreement in July of 1991 which was a modification of an agreement proposed by Mr. Bickel that same month on document review. I never received any response from DOE on this matter. I am attaching another copy of that agreement as I feel it conforms with the intent and purpose of the Working Agreement for Consultation and Cooperation (as amended) while limiting the



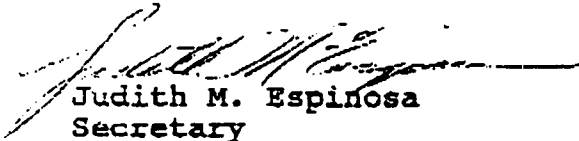
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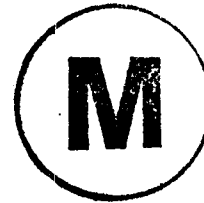
John Arthur III
December 29, 1992
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number of reviews so as not to overburden the limited resources my Department has to apply to this effort. Staff working under the Environmental Oversight and Monitoring Agreement with DOE have limited time to devote to this effort. Their focus is correctly placed upon oversight and monitoring of environmental impacts by DOE facilities in New Mexico. Should you wish to discuss the terms of this agreement please call Mr. Benito Garcia of my staff at (505)827-2922.

Sincerely,



Judith M. Espinosa
Secretary
New Mexico Environment Department



JME:JWP

cc: Kathleen Sisneros
Benito Garcia
Neil Weber

Enclosure

RECORD

AGREEMENT BETWEEN THE U.S. DEPARTMENT OF ENERGY
AND THE NEW MEXICO ENVIRONMENT DEPARTMENT
CONCERNING THE REVIEW OF WIPP DOCUMENTATION

The New Mexico Environment Department (NMED) and the U.S. Department of Energy (DOE) agree that input from the NMED on key documents prepared on the Waste Isolation Pilot Plant (WIPP) is necessary for both the NMED and the DOE to fulfill their missions, it is hereby agreed that:

- * Key WIPP documents will be provided by the DOE to the NMED in final draft prior to issuance.
- * Review comments from the NMED shall be provided to the DOE within thirty days after receipt of the WIPP document. This condition will be met for no more than two technical and two policy or programmatic comments per 30 day time frame.
- * The DOE shall respond to each comment provided by the NMED within thirty days after receipt of the comments.
- * Resolution of disputed technical or policy issues will be accomplished prior to the final document being released.

Judith M. Espinosa, Secretary
New Mexico Environment Department

James E. Bickel, Assistant Manager
Office of Energy & Special Programs

