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January 28, 1994

Mr. George Dials
Carlsbad Area Office
Department of Energy
P.O. Box 5400
Albuquerque, New Mexico 87115

Dear Mr. Dials:

Subject: Comments on DOE/WIPP 93-062 "No-Migration Determination Annual Report"

The New Mexico Environment Department has reviewed the DOE "No-Migration Annual Report." The No-Migration Determination (NMD) was granted as a result of the conclusion by EPA that, "to a reasonable degree of certainty, hazardous constituents will not migrate...during the Test Phase." Plans for bin tests with transuranic waste at the WIPP site have been progressively scaled back and subsequently abandoned altogether. Accordingly, as DOE is no longer planning to conduct tests with CH-TRU waste at the WIPP site, this and future annual reports appear to fulfill only an administrative requirement.

Publication of this report may also serve to appraise regulators of analytical data, and the status of the waste characterization and performance assessment program status which could have a bearing on conditions established in future regulatory actions such as the No-Migration Determination and RCRA Part B permit for the disposal phase. The section of the report dealing with the Volatile Organic Compound Monitoring Program does not appear to serve any purpose at this time and should therefore be deleted until Tru-mixed waste has been received at WIPP. Background levels for the VOC compounds have already been established and reported in prior year NMD Annual Reports.

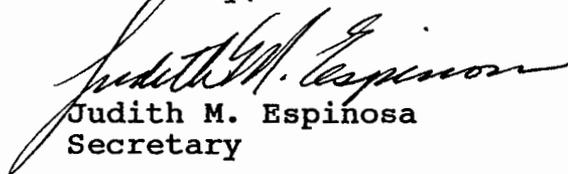
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Thank you for the opportunity to comment on this document. Should you wish to discuss any of the comments you may contact Benito Garcia, Chief, Hazardous and Radioactive Materials Bureau at (505) 827-4358.

Sincerely,


Judith M. Espinosa
Secretary

cc: Benito J. Garcia
Rich Mayer, US EPA, Region VI