

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
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ANITA LOCKWOOD
CABINET SECRETARY

December 5, 1994

~~Stacy~~
WIPP file

Mr. J. William Gunter, Director
Criteria and Standards Division
U.S. Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Gunter:

This is in regard to the EPA's public rulemaking process for issuance of Compliance Criteria for the Waste Isolation Pilot Plant (WIPP), to be codified at 40 CFR 194. It is my understanding the draft Compliance Criteria for WIPP are to be published in the *Federal Register* in the very near future, and that hearings to solicit public comment on the proposed Criteria will be scheduled in New Mexico.

To better ensure informed public comment on the draft WIPP Compliance Criteria, it is strongly recommended each EPA hearing be preceded by a public meeting or workshop. A public meeting/workshop, as distinguished from a public hearing, would provide: 1) more comprehensive, detailed information about the proposed Criteria and the Agency's reasoning behind the current draft; 2) opportunity for the public to ask questions and discuss the proposal with EPA staff in a more informal setting; and 3) demonstrable evidence of EPA's commitment to truly meaningful public participation. Indeed, such public meetings or workshops are especially needed in this case due to the highly technical nature and complexity of issues surrounding the Criteria.

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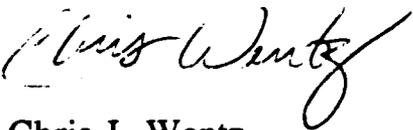


With respect to the number and locations of public hearings/meetings in New Mexico, it is advisable to schedule at least three (3) such joint sessions, in Albuquerque, Carlsbad, and Santa Fe. Written notice of the EPA-sponsored hearings should be provided to elected officials in these three cities, and EPA should seriously consider placing display ads about the activities in the Albuquerque Journal, Carlsbad Current-Argus, and Santa Fe New Mexican newspapers. Written notices of the public hearings/meetings should also be provided to elected officials of affected Indian tribes, counties and communities along the WIPP transportation route within our borders. At a minimum, affected tribes and pueblos include: Acoma Pueblo, Laguna Pueblo, The Navajo Nation, San Ildefonso Pueblo, Santa Clara Pueblo, Pojoaque Pueblo, and Tesuque Pueblo; affected counties: Bernalillo, Chavez, Cibola, Colfax, DeBaca, Eddy, Guadalupe, Lea, Lincoln, McKinley, Mora, Quay, San Miguel, Santa Fe, and Torrance; and affected communities: Artesia, Hobbs, Gallup, Grants, Las Vegas, Los Alamos, Loving, Moriarty, Raton, Roswell, Santa Rosa, Tatum, and Vaughn.

Finally, EPA is encouraged to provide a public comment period for the WIPP Compliance Criteria rulemaking that extends for at least one hundred twenty (120) days from date of issuance of the Criteria. This appears to be a reasonable time period for public review and comment on these lengthy, technically complex criteria, particularly considering it will have taken well over twice that amount of time to develop the version of the Compliance Criteria about to be published.

Please don't hesitate to contact me at 505/827-5950 if I can be of assistance in preparing for this next important stage of the rulemaking process. Thank you for your consideration of these comments.

Sincerely,



Chris J. Wentz
Co-Coordinator/Senior Policy Analyst
N.M. Radioactive Waste Consultation Task Force

c: Anita Lockwood, Task Force Chairman
Task Force Cabinet Secretaries (N.M.E.D.)
Jim Firkins, Task Force Co-Coordinator