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ENVIRONMENT DEPARTMENT
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MARK E. WEIDLER
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 8, 1996

Mr. Michael McFadden, Assistant Manager
Carlsbad Area Office
Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221

Dear Mr. McFadden:

RE: DOE request for meeting prior to issuance of Notice of Deficiency

The NMED Hazardous and Radioactive Materials Bureau (HRMB) has received your letter of January 25, 1996, requesting a meeting to discuss your responses to our previous requests for information on the WIPP RCRA Part B Application, Revision 5. You stated in your letter that you seek an opportunity to clarify your responses to any areas which may be addressed in the forthcoming Notice of Deficiency (NOD).

Please be advised that HRMB staff are currently conducting an internal review of Revision 5.2, independent of our technical contractor. Upon completion of this review, HRMB will incorporate the technical comments on the application developed by our contractor before issuing the NOD. Due to a greater level of effort required for our internal review than anticipated, HRMB will probably not issue an NOD until Friday, February 23, at the earliest. Until this process is complete, there is no basis for discussion, and any meeting with you and your legal counsel is premature. Such a meeting would be better suited if scheduled after the NOD is developed and issued. HRMB would welcome the opportunity to engage in discussions at that time.

If you have any questions, please contact either myself or Mr. Steve Zappe at (505) 827-1557.

Sincerely,

Benito J. Garcia
Chief, Hazardous and Radioactive Materials Bureau

cc: Barbara Hoditschek, HRMB
Steve Zappe, HRMB
Susan McMichael, NMED OGC
WIPP File - Red '96

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