

Susan



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GARY E. JOHNSON
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MARK E. WEIDLER
SECRETARY

October 14, 1997



Representative John A. Heaton
State House of Representatives
102 South Canyon
Carlsbad, NM 88220

Dear Representative Heaton:

We respond to your letter dated October 9, 1997. As you correctly note, I stated at the Energy Community Alliance Conference in Carlsbad on October 3, 1997 "the WIPP [facility] can open for disposal of non-mixed TRU waste without a RCRA Part B Permit." However, DOE cannot accept, store or dispose of mixed TRU waste until a RCRA Part B Permit is issued. This is also the official position of DOE (see attached letter).

Further, it is unfortunate you continue to insist that the New Mexico Environment Department should have issued a draft permit by this date. Contrary to your assertion, DOE/Westinghouse has provided the Department approximately 20,000 pages of detailed technical material for review *in addition* to the approximately 13,000 page original application submitted in May of 1995. In fact, we have received substantial material (27 separate documents) from DOE/Westinghouse for review since May 29, 1997. It would be impossible to issue a defensible draft permit by this date.

We appreciate your interest and will continue to make every effort to complete the permitting process in as timely manner as possible.

Sincerely,

Mark E. Weidler
Secretary

- cc: Senator Pete V. Domenici
- Senator Jeff Bingaman
- Representative Joe R. Skeen
- Representative Steve Schiff
- Representative Bill Redmond

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