



**NEW MEXICO ENERGY, MINERALS
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Subject: **ACTION ITEMS FROM 63rd WIPP QUARTERLY REVIEW MEETING;
INFORMATION ON RCRA PART B PERMITTING PROCESS**

Attached is the list of Action Items from the last WIPP Quarterly Review Meeting, held Thursday, July 30, 1998, in Santa Fe. These are the items we agreed to at the end of the meeting. The only item not noted is that EEG is responsible for scheduling the next Quarterly, presumably in late October.

Also enclosed is the Action Item that I was responsible for (i.e., "Work with NMED to outline steps and approximate schedule for RCRA Part B permitting process"). Attached are two 1-page documents stapled together. The first one was prepared by me based on material provided by Susan McMichael, NMED Assistant General Counsel; the second one is the material provided by Susan on their permitting process. The footnote on the material provided by Susan should be emphasized here: *The number of days estimated for each action may change given the complexity of the issues presented in the RCRA Draft Permit.*

In closing, I urge each of you to be thinking of how we can make our Quarterlies more useful and productive, as this will be a carryover item from the last meeting. Thank you.

Sincerely,

Chris J. Wentz

Chris J. Wentz
Coordinator
N.M. Radioactive Waste Consultation Task Force



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ACTION ITEMS
63rd WIPP QUARTERLY REVIEW
July 30, 1998

<i>Actions Items</i>	<i>Responsible Party</i>
Provide EEG with the report discounting Marsh LeVenue's analysis	DOE-CAO
Provide EEG and other participants with Cooper Wayman's overheads from 62 nd WIPP Quarterly Review meeting	DOE-CAO
Provide EEG Radiation Monitor Test Report Data, requested April 15 and July 9, 1998	DOE-CAO
Investigate options for publicizing key internal/ external WIPP meetings; report on findings at next WIPP Quarterly Review	DOE-CAO
Address issue of EDTA use at Rocky Flats raised in EEG letter of Jan. 23, 1998	DOE-CAO
Address Unreviewed Safety Questions (USQs) posed in EEG letters of Jan. 26 and July 13, 1998	DOE-CAO
Re-evaluate conclusions in DOE/WID report regarding condensation as the source of shaft water; and provide software to EEG to get calculations	DOE-CAO
Provide EEG all reports referenced in DOE-CAO response about WIPP readiness to support full-capacity operations	DOE-CAO
Work with NMED to outline steps and approximate schedule for RCRA Part B permitting process	EMNRD
Provide EEG available information on smoke-velocity profile test and corresponding engineering calculations	DOE-CAO

**NEW MEXICO ENVIRONMENT DEPARTMENT'S (NMED)
RCRA PART B PERMITTING PROCESS FOR WIPP**

1. HAZARDOUS WASTE FACILITY DRAFT PERMIT FOR WIPP ISSUED MAY 15, 1998; 90-DAY PUBLIC COMMENT PERIOD PROVIDED.
2. PUBLIC COMMENT PERIOD ENDED AUGUST 14, 1998.
3. NMED ANTICIPATES 60-90 DAYS TO REVIEW ALL COMMENTS AND REVISE THE DRAFT PERMIT, AS APPROPRIATE.
4. REVISED DRAFT PERMIT AND NOTICE OF PUBLIC HEARING ISSUED BY NMED OCTOBER-NOVEMBER, 1998.
5. NMED ANTICIPATES THE PUBLIC NOTICE OF HEARING WILL PROVIDE 60-90 DAYS FOR COMMENTS AND PRE-FILING OF TECHNICAL TESTIMONY.
6. PUBLIC HEARING LIKELY TO BE HELD IN JANUARY-FEBRUARY 1999; NMED ESTIMATES THE HEARING MAY TAKE AS LONG AS 30 DAYS, DEPENDING ON THE EXTENT OF PUBLIC INVOLVEMENT.
7. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW REQUIRED TO BE FILED BY THE PARTIES TO THE PROCEEDINGS 30-60 DAYS AFTER PUBLIC HEARING (*i.e.*, by FEBRUARY-MAY 1999).
8. HEARING OFFICER'S REPORT LIKELY TO BE ISSUED WITHIN 30-60 DAYS OF THE DUE DATE FOR SUBMITTAL OF PROPOSED FINDINGS/CONCLUSIONS (*i.e.*, by MARCH-JULY 1999).
9. PARTIES TO THE PROCEEDINGS WILL LIKELY HAVE 15-30 DAYS TO COMMENT ON THE HEARING OFFICER'S REPORT (*i.e.*, by LATE MARCH-AUGUST 1999).
10. FINAL DECISION BY THE NMED SECRETARY LIKELY TO BE ISSUED WITHIN 30 DAYS OF SUBMITTAL OF HEARING OFFICER'S REPORT (*i.e.*, by LATE APRIL-SEPTEMBER 1999). OPPORTUNITY EXISTS FOR NMED TO CALL FOR ORAL ARGUMENTS ON ANY OUTSTANDING ISSUES BEFORE FINAL DECISION IS ISSUED.

Source: Compiled by Chris J. Wentz, Coordinator, New Mexico Radioactive Waste Consultation Task Force, August 20, 1998, based on information (attached) provided by Susan M. McMichael, Office of General Counsel, New Mexico Environment Department, on August 19, 1998.

TIME-FRAME FOR ISSUANCE OF THE WIPP FINAL PERMIT

ACTION	ESTIMATED TIME ¹	COMMENT
Draft Permit Public Notice and Comment Period	90	The Public Comment Period closed on August 14, 1998.
NMED Internal Review of Public Comments, Requests and Revision of Draft Permit	60-90	NMED will review all public comments and revise the draft permit as necessary to incorporate appropriate comments. NMED will review all requests to extend the public comment period or for public hearing, and provide written responses of decisions by the Secretary on these requests.
Public Notice of Revised Draft Permit (if any) and Notice of Hearing.	60-90	NMED will need to provide adequate public notice regarding revisions to the draft permit and for the Public Hearing.
Public Hearing	30	Thirty days is an estimate for the length of the hearing and will depend upon the extent of public involvement and amount of testimony presented.
Submittal of Findings of Fact and Conclusions of Law	30-60	Pursuant to 20 NMAC 1.4.502, the Parties have 30 days to submit proposed Findings of Fact and Conclusions of Law. This time period may be changed at the discretion of the Hearing Officer.
Hearing Officer's Report	30-60	Pursuant to 20 NMAC 1.4.503, the Hearing Officer will submit the Hearing Officer's Report to the Secretary within 30 days of the due date for proposed Findings of Fact and Conclusions of Law. This time period may be changed at the discretion of the Hearing Officer.
Comments to the Hearing Officer's Report	15-30	Pursuant to 20 NMAC 1.4.503, the Parties will have 15 days to comment on the Hearing Officer's Report. This time period may be changed at the discretion of the Hearing Officer.
Decision by the Secretary	30	Pursuant to 20 NMAC 1.4.504, the Secretary will file a final order no later than 30 days after the due date for comments on the Hearing Officer's Report. This time period may be changed by order of the Secretary.

¹ The number of days estimated for each action may change given the complexity of the issues presented in the RCRA Draft Permit.