

**Department of Energy**

Carlsbad Area Office

P. O. Box 3090

Carlsbad, New Mexico 88221

November 9, 1998

Peter Maggiore, Secretary
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110

RE: RCRA Part B Permit

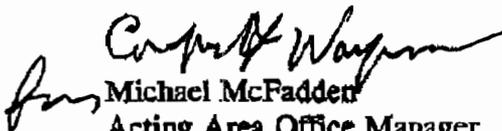
Dear Secretary Maggiore:

This letter is to state the Department of Energy's (DOE) position regarding two issues associated with the RCRA Part B permit; the public comment period and the hearing location. First, DOE believes that a 60 to 75 day period between issuance of the 2nd Draft Permit and the hearing on that permit is sufficient time to prepare for the hearing. This timeframe would accommodate the 45-day comment period provided by 20 NMAC 1.4. We note that the application has been available for two or more years, the 1st draft and comments on it have been available for five months, and interested persons have largely identified their issues of concern and can begin preparing for the permit hearing now. There is no need to create additional delay.

Second, the RCRA permit hearing should be held in Carlsbad, New Mexico. Eddy County is the area of the state most affected and most economically impacted by the WIPP. Aside from the facility itself, most witnesses, technical materials, and other documents are located in Carlsbad. DOE is willing to support the hearing officer in allowing non-technical testimony to be taken in Albuquerque and Santa Fe to make it easier for New Mexico residents in and around those cities to express their views. On balance, however, Carlsbad is the most convenient and economical location for the permit hearing.

Thank you for your consideration on this important matter, if you have any questions, please call me at (505) 234-7333, or Mr. Cooper H. Wayman, Area Office Counsel, at (505) 234-7329.

Sincerely,


Michael McFadden
Acting Area Office Manager



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cc: Susan McMichael, NMED Counsel
Cooper H. Wayman, Area Office Counsel
Joe Epstein, WID Manager
Gloria Barnes, WID Senior Counsel