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ENVIRONMENTAL EVALUATION GROUP

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To: Michael Burkhart, Director, EID
From: Robert H. Neill, EEG *Robert H. Neill*
Subject: WIPP Compliance with EPA Standards -
EEG/DOE Staff Meeting on 1/9/1987
Date: January 15, 1987

Pursuant to a December 3, 1986 agreement between Mr. R. G. Romatowski, Manager, Albuquerque Operations Office of the U.S. Department of Energy (DOE) and Ms. Denise Fort, Chairman, a staff meeting on the captioned subject was held in Carlsbad on January 9, 1987. As you know, the chairman invoked the Conflict Resolution procedures provided in the Consultation and Cooperation Agreement between the DOE and the State, through a letter from Ms. Fort to Mr. Romatowski dated 10/27/86 (enclosed). The contested issue is the timing of WIPP's demonstration of compliance with the Part B Disposal Requirements of the EPA Standards (40 CFR 191). The requirement to demonstrate compliance and the quality of the DOE effort are not issues. The State's position is that compliance should be demonstrated before any radioactive transuranic waste is brought to WIPP. The DOE has maintained that WIPP will be a Research and Development facility for the first five years of operation and the waste will be "stored" rather than "disposed" during this period and that there is no legislative or regulatory requirement to complete the demonstration of compliance until a decision is made whether to retrieve or not.

At the meeting in Carlsbad, the following was noted.

1. The DOE plans to show compliance with Subpart A of the Standard (which relates to "Management and Storage" of the waste) six months prior to beginning of waste emplacement at WIPP. Given the DOE's present schedule to start shipping waste to WIPP in October 1988, compliance with Part A would be completed by April 1988 and that is fine.
2. The DOE plans to demonstrate compliance with Subpart B of the Standard by October 1992, 4 years after the first shipment of waste to



WIPP. and one year prior to a decision to retrieve. Subpart B relates to containment of the waste in the repository for 10,000 years and provides for maximum allowable releases, individual protection requirements, groundwater protection requirements and several "assurance requirements".

3. The DOE will provide their "Draft Compliance Plan" to us in the first week of February and we have accepted their offer to meet with us to discuss this document before they issue a final one. While we want the work to be completed as quickly as possible, we naturally don't want the schedule to be accelerated at the expense of the quality of the analyses.

4. SANDIA is preparing a conceptual plan of experiments with the contact handled Transuranic Waste (CH-TRU) to back their assertion that WIPP is an experimental facility for the first five years. We expect to receive this plan sometime in February and have also accepted Jack Tillman's offer to meet with them to discuss it prior to the February 25 NAS WIPP Panel meeting. Tillman, DOE has tentatively agreed to your proposed date of 2/17/87.

5. The schedule for 10/88 shipment may slip since the transport package (TRUPACT-II) may not be ready and the emplacement schedule may also slip since an additional shaft which DOE plans to sink and associated ventilation changes are slated for 8/88 completion.

I recommend that we study and evaluate the DOE proposal for CH-TRU experiments and the Draft Compliance Plan (both will be available in February) before taking any further action in this matter.

cc: Kirkland Jones
Gini Nelson

NM Attendees

Gini Nelson
James K. Channell
Jenny B. Chapman
Lokesh Chaturvedi
Jack M. Mobley
Robert H. Neill
John C. Rodgers