



Equal Opportunity Employer

ENTERED

STATE OF NEW MEXICO

ENVIRONMENTAL EVALUATION GROUP

P.O. BOX 968
SANTA FE NEW MEXICO 87504
(505) 827-0556

July 24, 1987

Mr. Hal Stratton
New Mexico Attorney General
Bataan Memorial Building
Santa Fe, New Mexico 87503

Dear Mr. Stratton:

On July 23, 1987, Ms. Andrea Smith, OAG, requested EEG's recommendations on DOE's request not to perform sorbing tracer tests at WIPP which DOE had agreed to conduct in a 1984 modification to the Consultation & Cooperation Agreement between the State and DOE.

We believe the deletion of these experiments, scheduled to cost two to three million dollars, will not result in a substantive loss of technical information since the localized results may not be regionally applicable.

However, we recommend that DOE should agree to the following in exchange for their commitment to conduct the tests. While detailed cost estimates are not available, we do not believe the total cost is anywhere near three million dollars.

- 1) DOE shall not take credit for adsorption of radionuclide movement in its analyses of breach scenarios for compliance with the EPA standards for the disposal of TRU waste (40 CFR 191) and shall use a radionuclide retardation coefficient $K_d = 0$. (See p. 4 of my attached July 7, 1987 letter to the Task Force.)
- 2) DOE shall perform the alternative tests outlined in the July 23, 1987 briefing materials presented to EEG (See attached package from WIPP-DOE-249).
- 3) DOE shall agree to permit EEG to conduct in-stack monitoring for radioactivity in the exhaust air from the underground disposal facility to provide independent monitoring to document the presence or absence of radioactivity in the unlikely event of an underground release.

Although we have had a series of meetings with DOE over the past several months on this request, we have not been able to resolve this issue since DOE is concerned about establishing a precedent for a state to have on-site monitoring programs at DOE facilities. As spelled out in the attached July 22, 1987 letter from EEG to DOE, we believe their concern is unfounded since other states have monitoring and surveillance programs at other DOE

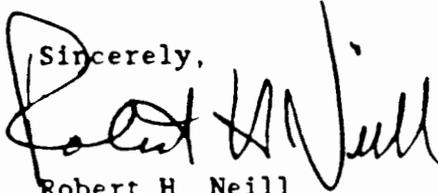
870702



Mr. Hal Stratton
July 24, 1987
Page 2

sites. One of the most compelling arguments in our favor, however, is the fact that we have been conducting an on-site monitoring program for radioactivity in air on the WIPP site for the past two years, and such independent monitoring and verification activities on-site are clearly provided for in the Consultation and Cooperation Agreement signed by the State and DOE.

Sincerely,



Robert H. Neill
Director

RHN:mh

cc: Dr. Thomas Bahr, Chairman, Radioactive Waste Task Force
Mr. Michael Burkhart, Director, Environmental Improvement Division

Enclosures:

June 17, 1987 Memorandum from Neill, EEG to the Task Force
July 7, 1987 Memorandum from Neill, EEG to the Task Force
concerning the C & C Agreement
July 22, 1987 letter from Neill, EEG to Tillman, DOE concerning our
request for monitoring of nonclassified DOE exhaust stacks
with attachments
May 22, 1987 letter from Sheldon Meyers, EPA, to Grover Smithwick,
DOE
May 29, 1987 letter from Smithwick, DOE, to Meyers, EPA
June 1, 1987 Memorandum from Lappin, Sandia, to NAS WIPP Panel
July 23, 1987 package from WIPP-DOE-249