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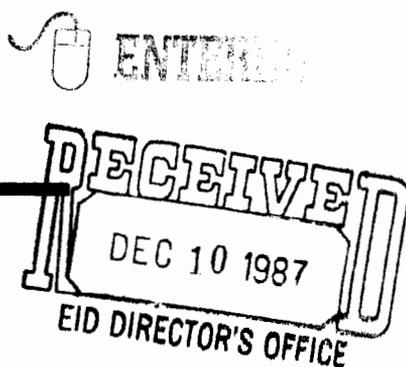
STATE OF NEW MEXICO

ENVIRONMENTAL EVALUATION GROUP

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SANTA FE, NEW MEXICO 87504

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December 9, 1987

Mr. Henry M. Bohnhoff
Chief Assistant Attorney General
New Mexico Attorney General's Office
Post Office Drawer 1508
Santa Fe, New Mexico 87504

Dear Mr. Bohnhoff:

As requested in your 12/3/87 letter, the following alterations are suggested to your draft letter to Mary G. Wilson on the third modification to the C&C Agreement.

1. We suggest the following as the first item in your letter.

Your suggested preface to Appendix III contained in item 5 of your letter that leaves the target schedules for completion of the studies open to change due to changes in funding, is unacceptable to us. We suggest the new wording for the preface to Appendix III as follows:

"The DOE agrees to perform certain additional studies in lieu of the Sorbing Tracer Test. These studies are described below along with the target dates for completion of each study. Unless otherwise noted, each study will result in a report containing the analyses and results of the study."

In using the phrase target dates, a possibility of some slippage is implied and we don't see any need for additional mention of potential funding problems. These scientific studies that will be used to show compliance of WIPP with the EPA standards should have the top priority for completion.

2. We like the general thrust of item 2 of your draft letter. However, we prefer substituting the last paragraph of Section B.3 by the third paragraph of the Attorney General's letter to Mr. Romatowski dated 9/30/87. If that paragraph is absolutely not acceptable to DOE, our second choice is to modify your suggested last paragraph of Section B.3 as follows:

"DOE recognizes that radionuclide retardation within the Culebra remains to be proven experimentally, and remains committed to demonstrate experimentally the actual range of Kd's to be expected for transport within the Culebra. DOE will select a range of values to be conservative, but reasonable, including both zero and the lowest reasonable values experimentally obtained. In the absence of experimentally justifiable values, acceptable to the State's Environmental Evaluation Group, no credit for retardation (Kd) will be taken in the Performance Assessment calculations."



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3. One of the studies contained in our list was deleted by Sandia National Laboratories because they were not responsible for it. The U.S. Geological Survey would perform this work and we believe that DOE should provide funds to USGS to perform it. This study, #A-6 in our (EEG's) original list of September 16, 1987, should be reinserted in Appendix III, as follows:

"Evaluation of areas and mechanisms of groundwater discharge from Rustler units. The U.S. Geological Survey will evaluate existing seepage run data from the Malaga Bend area to quantify discharge to the Pecos River. DOE will provide funds to USGS to perform this study."

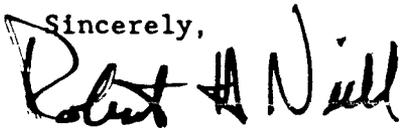
4. We recommend modifying item 2(c) of your draft letter as follows:

"Independent on-site stack monitoring is crucial to verifying the integrity of DOE's system. Such on-site independent monitoring is already provided for in the Consultation and Cooperation Agreement. The heart of"

5. There are a couple of typographical errors in your draft which I am sure you would pick-up yourself. Item 3 of your draft letter contains "General Stratton's" and item 3(d) contains "stock" in the first line, that should be "stack".

Thank you for the opportunity to continue to provide our input to this modification.

Sincerely,



Robert H. Neill

RHN:LC:eo

cc: Mike Burkhart
Kirkland Jones
Tom Bahr