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Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221

November 23, 1998



Robert H. Neill, Director
Environmental Evaluation Group
7007 Wyoming Blvd. NE, Suite F-2
Albuquerque, NM 87109

Dear Mr. Neill:

The Carlsbad Area Office (CAO) is in receipt of the November 4, 1998 letter from Environmental Evaluation Group (EEG) Chemical Engineer, Matthew Silva, which transmitted action items from the 64th WIPP Quarterly Meeting. Closure of three of these items and correction of two of them are provided by this letter.

Item 7 requested answers to questions posed by the EEG regarding paragraph 3.d.(1) of draft DOE Order 435.1. After reviewing the subject draft Order, accompanying draft Manual, and the EEG comments on both (EEG letter to Mike McFadden, CAO Acting Manager, September 17, 1998), the answers to the questions are clear. The paragraph, which is a concise, clear and correct statement, was included in the draft Order simply to recognize that the preeminent requirements for the WIPP stem from the WIPP Land Withdrawal Act (LWA). The CAO is surprised the EEG has any issue with its inclusion. There are no specific elements of the Order or the Manual that would be exempted for the WIPP by this paragraph with the possible exception of that noted in EEG's own comments. In fact the CAO believes the WIPP to presently be in full compliance with every applicable element of both the draft Order and draft Manual which is why we have repeatedly told EEG that we have no comments on the drafts and see no impacts to the National TRU Waste Program. This action item is closed.

Item 8 requested the basis for selecting the first four wells to be plugged and abandoned. The CAO has tentatively decided to abandon and plug the following wells, WIPP-12, P-14, WIPP-28, and D-268 according to the applicable standards, because they meet one or more of the following criteria, (1) do not yield useful date, (2) have been damaged, or (3) pose a threat to health and safety. This action item is closed.

Item 10 requests contacts for obtaining information regarding Rocky Flats Environmental Technology Site (RFETS) residue vulnerability assessments. The EEG should contact either Rocky Flats Field Office Assistant Manager for Material Stabilization, Henry F. Dalton or DOE Germantown Office of Safeguards and Security, Director Edward J. McCollum. This action item is closed.

Items 5 and 6 both incorrectly state a commitment to provide presentations at a December 3, 1998 meeting with SNL. I made no such commitment. I agreed that the CAO would consider presentations on the two topics at the next quarterly. EEG has been notified by separate correspondences, CAO letters to EEG dated October 28, 1998 and November 17, 1998, that there will be no December 3, 1998 meeting with SNL. This action item is corrected and closed.



Robert H. Neill, Director

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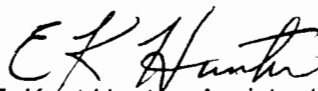
Please correct your action items 5 and 6, show items 7, 8, and 10 as being complete, and redistribute the list to all parties. During the 64th WIPP Quarterly Meeting I was also presented with an Action Item List from the 63rd WIPP Quarterly Meeting. I am pleased to take this opportunity to close out Items 1 and 5 from this list.

Item 1 requests a "report discounting Marsh LaVenues' analysis." The CAO is not aware that such a report exists however the EPA provided their position on the LaVenue analysis in their "Response to Comments Document" (US EPA, 1998; EPA 402-R-98-004, page 3-43). This action item is closed.

Item 5 requests the CAO to respond to issues raised by the EEG (EEG letter, January 23, 1998) regarding the use of EDTA at the RFETS. With the issuance, on May 15, 1998, of the EPA Final Rule, these issues are moot. A full discussion of EEG's concerns and EPA's position on EDTA as well as other organic ligands may be found in the EPA "Response to Comments Document" (US EPA, 1998; EPA 402-R-98-004, pages 3-117, 118 and pages 6-60 through 6-65). This action item is closed.

The CAO will close out additional Action Items by separate correspondence in the near future. Please call if you have further questions regarding these items.

Sincerely,



E. Kent Hunter, Assistant Manager
Office of Waste Disposal Operations

cc:

Chris Wentz, NM Radioactive Task Force
Lindsay Lovejoy, NM Assistant Attorney General,
Benito Garcia, NMED, Santa Fe
Steve Zappe, NMED, Santa Fe
Michael McFadden, CAO
George Basabilvazo, CAO
Jim Mewhinney, CAO
Pat Kilgore, CAO
Jim Kenney, EEG-Carlsbad
C&C File, WID

Refer to:CAO:OWDO:EKH 98-1470 / UFC 1200