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GOVERNOR

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PETER MAGGIORE
SECRETARY

FAX

January 22, 1999

Mr. Keith Klein
Acting Manager, Carlsbad Area Office
U.S. DOE
P.O. Box 3090
Carlsbad, NM 88221-3090

Mr. Chris Wentz
Coordinator, WIPP Task Force
NM EMNRD
P.O. Box 6429
Santa Fe, NM 87505-6429

Mr. Robert Neill
Director, EEG
7007 Wyoming Blvd. NE
Albuquerque, NM 87109

Mr. Lindsay Lovejoy, Jr.
NM Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504-1508

Good Morning!

This is the third and final notice concerning the upcoming 65th WIPP Quarterly Review meeting. The meeting is scheduled for **Thursday, January 28, 1999, at 8:30 AM**, and will be held in the second floor conference room at the NM Energy, Minerals, and Natural Resources office at 2040 South Pacheco, Santa Fe.

Attached is the final tentative agenda which reflects EEG's and DOE's input. I've also attached a letter received from DOE yesterday in which they take exception to most of EEG's suggested topics. I'll leave it to them to resolve any differences of opinion they may have prior to the meeting. Please get back to me ASAP if you have significant objections to the tentative agenda.

Also attached is DOE's accounting of the status of action items from the 63rd and 64th Quarterly meetings, and which items they believe are still open. Please notify me of any discrepancies you identify with these lists.

Any questions? Call me at 827-1560, x1013. Let's all hope for a constructive meeting on the 28th!

Sincerely,

Steve Zappe
Hazardous & Radioactive Materials Bureau
NMED

cc: Benito Garcia/John Parker NMED

990108



*** PROPOSED DRAFT AGENDA ***

65th WIPP QUARTERLY REVIEW MEETING
January 28, 1999

Energy, Minerals, Natural Resources Conference Room
2040 South Pacheco
Santa Fe, NM

8:30 AM	Welcome, Announcements	10 min.	Steve Zappe, NMED
8:40 AM	NMED Haz/Rad Materials: RCRA Permit Update (comments received, schedule)	20 min.	Steve Zappe, NMED/HRMB
9:00 AM	DOE Carlsbad Area Office Update	20 min.	Keith Klein, CAO
9:20 AM	Environmental Evaluation Group Update	20 min.	Robert Neill, EEG
9:40 AM	N.M. Radioactive Waste Task Force Update	20 min.	Chris Wentz, NMEMNRD
10:00 AM	BREAK	20 min.	
10:20 AM	DOE comments on revised draft permit	30 min.	Keith Klein, CAO
10:50 AM	EEG comments on revised draft permit	30 min.	EEG
11:20 AM	Status of litigation	25 min.	Lindsay/Geoff, NMAG or Chris Wentz, NMEMNRD
11:45 AM	LUNCH	75 min	
1:00 PM	Radiological air effluent monitoring	20 min.	Bill Bartlett, EEG
1:20 PM	DOE preparations for initial waste disposal operations	40 min.	Keith Klein, CAO
2:00 PM	N.M. preparations for initial TRU waste shipments	30 min.	Chris Wentz, NMEMNRD
2:30 PM	Open discussion	50 min.	
3:20 PM	Action Item Commitments/Closeout	10 min.	Steve Zappe, NMED
3:30 PM	Adjourn		



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

January 21, 1999

Mr. Steve Zappe
 New Mexico Environment Department
 P. O. Box 26110
 Santa Fe, New Mexico 87502

Dear Mr. Zappe:

The Carlsbad Area Office (CAO) believes that the WIPP Quarterly Meetings, required by the Consultation and Cooperation Agreement to be conducted with the State of New Mexico, should focus on high level issues of interest to the State as represented by the New Mexico Radioactive Waste Task Force. In this spirit the CAO proposes that the January 28, 1999, 65th WIPP Quarterly Meeting should focus on topics directly related to initiating waste operations at the WIPP. This would specifically include DOE preparations for non-mixed TRU wastes prior to a final Hazardous Waste Permit, State preparations associated with TRU waste transportation, and joint DOE/New Mexico Environment Department (NMED) progress on the Hazardous Waste Permit. Accordingly the CAO recommends the following agenda:

Update on the RCRA Part B Permit schedule	NMED
DOE Comments on 2 nd draft HWA Permit	Keith Klein, CAO
EEG Comments on 2 nd draft HWA Permit	EEG
NMAG Comments on 2 nd draft HWA Permit	NMAG
Litigation Status, NM vs. DOE and NM vs. EPA	NMAG
DOE Preparations for Initial Waste Disposal Operations	Keith Klein, CAO
NM Preparations for Initial TRU Transportation Operations	Chris Wentz, Task Force

Approximately four hours should be allowed for these presentations, thus leaving ample time for a round table discussion or additional presentations. In regard to additional presentations, I have reviewed the EEG proposal of December 22, 1998, and in general believe many of these topics would be better addressed by technical staff in meetings specifically dedicated to those subjects. Specifically, those detailed presentations of particular interest to the EEG that the CAO believes would be better addressed elsewhere are listed below along with a status:



Steve Zappe

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January 21, 1999

- Detailed presentation on the plugging and abandonment of WIPP monitoring wells – Currently plans for this activity are very formative, and there is no detailed information to present. At the last WIPP Quarterly the CAO committed to keeping the EEG informed of any upcoming meetings on this subject and committed to providing the EEG with a plan for review. The plan should be completed in March, and in addition, we have arranged to have a staff level technical exchange with the EEG on this topic in April.
- Waste Characterization Task Force Update – The Task Force status is unchanged from that reported at the last WIPP Quarterly. The Task Force is still discussing concepts and schedules associated with producing a report.
- Occupational Exposure Data at INEEL – This information appears to be specific to the INEEL. We need to understand its relationship to WIPP to be responsive.
- Results of hydrologic testing ...and Status of Exhaust Shaft water inflow – These two topics are related and will require extensive technical staff level discussions. After nearly a year of data collection, a report will be produced in the next several weeks. The report will be made available to the EEG, and a technical exchange will subsequently be arranged.
- DOE/SNL plan for pursuing the scientific issues related to long-term compliance – We are not aware of any remaining scientific issues related to long-term compliance. However several SNL scientific activities have already been scheduled for detailed discussion at technical exchanges.
- Geomechanical Status of the Panel 1 rooms – Because this topic is the subject of litigation, the CAO cannot discuss it. DOE's filing in this litigation, including a Declaration by Stan Patchet, provides current geomechanical status of Panel 1, whereas the plaintiffs' filing, including an affidavit from the EEG (Lokesh Chaturvedi), provides the NMAG's and EEG's opinion. The CAO would support a presentation by the NMAG regarding the observations and conclusions of their expert, Jack Parker, during his recent inspection of the WIPP underground.

I look forward to attending my first WIPP Quarterly Meeting. Please contact me at (505) 234-7300 should you want to discuss any of these recommendations.

Sincerely,

Keith A. Klein
Acting Manager

cc:

Robert H. Neill, EEG
Chris Wentz, NM Radioactive Task Force
C & C file
CAO:OWDO:EKH 99-0324 [UFC 1200]

63rd Quarterly Action Items

<i>Item Number</i>	<i>Action By</i>	<i>Action Item</i>	<i>Closed</i>
63-01	DOE-CAO	Provide EEG with the report discounting Marsh LeVenue's analysis.	11/23/98
63-02	CAO	Provide EEG and other participants with Cooper Wayman's overheads from 62nd WIPP Quarterly Review Meeting. (Per Cooper, overheads are now in the possession of G. Dials and are not available.)	7/30/98
63-03	CAO	Provide EEG Radiation Monitor Test Report Data, requested April 15 and July 9, 1998. (CAO ltr 98-1763)	12/10/98
63-04	CAO	Investigate options for publicizing key internal/external WIPP meetings; report on findings at next WIPP Quarterly Review. (Meetings are announced in CAO Weekly Highlights)	7/30/98
63-05	CAO	Address issue of EDTA use at Rocky Flats raised in EEG letter of Jan. 23, 1998. (EEG considers action item still open.) CAO ltr 98-1470	11/23/98
63-06	CAO	Address unreviewed Safety Questions (USQs) posed in EEG letters of Jan. 26 and July 13, 1998. (Closed)	
63-07	CAO	Re-evaluate conclusions in DOE/WID report regarding condensation as the source of shaft water; and provide software to EEG to get calculations. (Closed; software demo provided.)	
63-08	CAO	Provide EEG all reports referenced in DOE-CAO response about WIPP readiness to support full-capacity operations. (Per K. Hunter, no reports referenced in response.)	
63-09	EMNRD	Work with NMED to outline steps and approximate schedule for RCRA Part B permitting process. (Closed)	
63-10	CAO	Provide EEG available information on smoke-velocity profile test and corresponding engineering calculations.	

64th Quarterly Action

<i>Item Number</i>	<i>Action By</i>	<i>Action Item</i>	<i>Closed</i>
64-01	CAO	Provide EEG with available March 1998 CAM underground test data. DOE committed to provide during the week of November 2, 1998. (EEG considers item still open. CAM data rec'd, but not units.)	12/10/98
64-02	CAO	DOE weekly highlights will advertise quarterly meeting prior to the meeting.	12/4/98
64-03	EEG	Obtain final revision of LANL TA55-43 Lot 1 analysis plans from DOE Albuquerque Operations.	10/30/98
64-04	EEG	Letter notifying Dennis Hurtt (DOE/CAO) that renewed mining activity was not presented by Kent Hunter (DOE/CAO) at the July 30, 1998 Quarterly. Reply from Dennis Hurtt to Robert Neill 11-13-98.	11/2/98
64-05	CAO	Presentation of activities at H-1 for December 3 meeting with SNL. Mtg. rescheduled for 4/21/99.	
64-06	CAO	Presentation at December 3 meeting with SNL by Wayne Stensrud on Dewey Lake Redbeds work. Meeting not held 12/3. Per CAO ltr of 1/21/99, technical exchange mtg is being scheduled.	
64-07a	CAO	What provision in the WIPP Land Withdrawal Act provides a basis for exempting WIPP from DOE Order 435.1? (Posed by Neill) (EEG considers 11/23 CAO response to be inadequate.) CAO ltr 98-1470	11/23/98

<i>Item Number</i>	<i>Action By</i>	<i>Action Item</i>	<i>Closed</i>
64-07b	CAO	What provisions in DOE Order 435.1 are exempted? (Posed by Neill) (EEG considers CAO 11/23 response inadequate.) CAO ltr 98-1470	11/23/98
64-07c	CAO	Explain the reason for the WIPP exemption in DOE Order 435.1. (Posed by Hunter) CAO ltr 98-1470	11/23/98
64-08	CAO	DOE/CAO will provide reasons that WIPP-12, P-4, WIPP-28, and D-268 wells were selected for plugging and abandonment. (Meeting scheduled for April 21, 1999 to discuss.)	12/31/98
64-09	CAO	DOE/CAO will notify EEG of any scheduled meetings on plugging and abandonment of the four observation wells. (Meeting scheduled for April 21, 1999 to discuss.)	12/31/98
64-10	CAO	DOE/CAO will identify DOE HQ contact for EEG to obtain information on the RFETS Safeguard Termination Limits Variances and Vulnerability Assessments. Completed. CAO ltr 98-1470.	11/23/98
64-11	CAO	Provide EEG and NMEMNRD (Chris Wentz) with copy of DOE mid-November report to NMED on the result of the implementation plan for sampling analysis. Complete. CAO ltr 98-1749.	11/13/98

All Open WIPP Quarterly Action Items

<i>Item Number</i>	<i>Action By</i>	<i>Action Item</i>	<i>Closed</i>
63-10	CAO	Provide EEG available information on smoke-velocity profile test and corresponding engineering calculations.	
64-05	CAO	Presentation of activities at H-1 for December 3 meeting with SNL. Mtg. rescheduled for 4/21/99.	
64-06	CAO	Presentation at December 3 meeting with SNL by Wayne Stensrud on Dewey Lake Redbeds work. Meeting not held 12/3. Per CAO ltr of 1/21/99, technical exchange mtg is being scheduled.	