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July 28, 1987

WM Record File
102.3

WM Project 11
Docket No.
PDR
XLPDR (N)

Mr. Gerald J. Parker
OCRWM (RW-241)
U.S. Department of Energy
Washington, DC 20585

Distribution:
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JOB Still
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Dear Mr. Parker:

We have received a copy of your memorandum of July 22, 1987 regarding the upcoming meeting of the Environmental Coordinating Group (ECG) and look forward to the opportunity provided to address issues previously raised and yet unresolved. Rather than call your attention at this time to past correspondence that remains unanswered by the Department of Energy (DOE) I wish to restate several questions and points of interest that we hope can be addressed during portions of the September 15 - 17 meetings that are open to affected parties.

- Can ECG clarify for us why reclamation of areas disturbed during site characterization is not considered to be a mitigation measure as defined by NEPA regulations under 40 CFR 1508.20(6)?
- It would be appreciated if ECG could review the logic DOE has used in considering the May 1986 Final Environmental Assessments (EAs) both as decision aiding documents and part of the process of fulfilling the agency's NEPA obligations under 10 CFR 1021 and DOE 5440.1C. Insight into where other documents such as Environmental Checklists fit into these procedures also would be welcomed.
- Last year at the September meeting of ECG a commitment was made by DOE to provide affected parties with current copies of the DOE Environmental Compliance Guide (DOE/EV-0132) and the related DOE/EP manuals. A status report on that topic would be appreciated.
- How will the environmental baseline for PSD determinations for the ESF and the repository be established?

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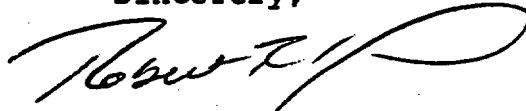
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- What is the relationship between the ongoing EH&S environmental survey/audit program at the federal sites and the site characterization programs? Are environmental, impact, and compliance audits to be performed as part of OCRWM activities?
- Discussion on resolution of environmental aspects of Mission Plan Key Issue 3 will be appreciated as will clarification as to how Issue 3.1 applies to the repository siting program. Does "siting" as used in the Key Issues exclude or include selection of sites for characterization and when/where will issues resolution for the candidate repository sites be addressed?
- What is the programmatic relationship between Key Issues and the siting guidelines, and what is the rationale for distinguishing between guidelines that do and do not require site characterization? If some issues and guidelines will not benefit from objective evaluation in the course of site characterization what subjective reasoning and thought processes will be employed to address them? What will be the balance between objective and subjective processes to be used for evaluating the environmental quality guideline, 10 CFR 960.5-2-5?
- Comments would be appreciated on how the environmental and NEPA regulations under 10 CFR 51 and 40 CFR 1500-1508 relate to the repository EIS. Also, a status report on the EIS implementation plan would be welcomed.
- What role is envisioned for the "super integrator" in the OCRWM environmental program and at what stage in the program will the new contractor become involved in and responsible for environmental programs?
- DOE views on the potential consequences that the court's decision on 40 CFR 191 might have on the OCRWM environmental program are of interest to us.

We realize there is a natural tendency to defer addressing issues such as the above or to qualify comments on them to the extent that any information departed is couched in overwhelming uncertainty. However, these are points upon which we have sought meaningful discussion a number of times to no avail. With your help perhaps the upcoming meeting of ECG can prove the exception and result in seriously addressing these and other critical issues. My staff stands ready to work with ECG to that end.

Please call me or Charlie Malone if there are questions or suggestions regarding our participation in the September 15 - 17 meetings.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert R. Loux', with a large, stylized loop at the end.

Robert R. Loux
Executive Director

RRL:CRM/njc

cc: Dr. Raj Sharma, U.S. Department of Energy
Ms. Deborah Valentine, U.S. Department of Energy
Affected States/Tribes
NRC