

State of New Mexico

ENVIRONMENT DEPARTMENT

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September 17, 1992

Ms. Tracy Loughead, Manager  
Public Relations and Intergovernment Affairs  
WIPP Project Integration Office  
Department of Energy  
Field Office, Albuquerque  
P.O. Box 5400  
Albuquerque, New Mexico 87115

Dear Ms. Loughead:

A question has arisen concerning the requirement for a Q-clearance for any Environment Department staff working under the Agreement in Principle at Los Alamos National Laboratory (LANL). On July 13, 1992, we were informed that an AIP staff member, Michael Le Scouarnec, a Canadian national, could not conduct any work on review of environmental programs at LANL.

Last September 2, Mr. Frank Chavez of the Kirtland Area Office Security program, presented an overview of security regulations and requirements for our AIP staff here in Santa Fe. We presented him with the facts of our case and suggested a resolution to this problem at that time. Mr. Chavez appeared to accept our suggestions as reasonable, but stressed that a decision concerning them would have to be made formally and in writing through your office. Accordingly, I present the facts of the matter and NMED's suggestion to resolve this issue:

1. The Hazardous and Radioactive Materials Bureau interviewed Mr. Le Scouarnec early this year for a position in the AIP program and found him to be qualified for the position in question.
2. Prior to offering the position to Mr. Le Scouarnec Mr. Cliff Hawley, our Program Support Bureau Chief, contacted DOE at LANL to determine whether Mr. Le Scouarnec's nationality presented any problems for security, and was informed this would not be a problem.

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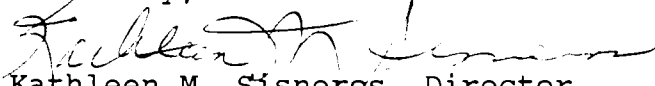
3. State personnel law does not include a requirement for a security clearance as a condition for employment for any position in state government. Interviewers of prospective state employees do not have the authority to impose any conditions for employment not present in the minimum qualifications section of the position descriptions framed by State Personnel.

To resolve this issue, NMED proposes that AIP staff not eligible for Q-clearances be disallowed access to locations with security requirements unless the facility volunteers to provide hosts for such visits. Q-clearance ineligible AIP staff **would** be allowed to conduct oversight activities at locations which do not require security clearance. Q-cleared AIP staff would be required to withhold any classified information from staff without such clearances. A list of facility contacts who hold clearances and who would act as the facility contacts for non-cleared AIP staff during specific site visits would be provided to DOE prior to conducting such site visits.

To expedite the case of Mr. La Scouarnec, a listing of the LANL Operable Unit Project Leaders with whom he would be conducting interviews and with whom he would be splitting environmental media samples is attached.

In the interests of continuing in the spirit of cooperation which has been established between the Environment Department and the Department of Energy as evidenced in our successful progress towards environmental and public protection, I urge that this matter be given the most timely attention. If you have any questions regarding the particulars of this matter, or if we can in any way help you to expedite its satisfactory conclusion, please contact Mr. Benito Garcia, Chief of the Hazardous and Radioactive Materials Bureau, at (505) 827-4358.

Sincerely,

  
Kathleen M. Sisneros, Director  
Water and Waste Management Division

KMJ/bas

cc: Bruce Swanton, Program Manager, HRMB  
Michael LeScouarnec, WRS II, HRMB  
LANL red file '92'