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Teri S ✓
Jerry B -



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
DOE OVERSIGHT BUREAU

2044 A Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502

MARK E. WEIDLER
SECRETARY
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217-440-1100 FAX 606-1100/1100/1100

December 3, 1996

Mat Johansen
Office of Environment and Projects
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

Dear Mr. Johansen:

I am in receipt of your November 21, 1996 letter clarifying the Department of Energy (DOE), Los Alamos Area Office's (LAAO) position regarding advice given by New Mexico Environment Department (NMED) DOE Oversight Bureau (DOE OB) personnel in the field. I apologize if any misunderstanding was conveyed to the public during the November 14, 1996 Public Meeting in Espanola that DOE and Los Alamos National Laboratory (LANL) were unresponsive to advice given by DOE OB personnel when assessing conditions in the field. You can be assured that DOE OB personnel will refrain from creating any expectations that LANL field personnel should act upon verbal and unwritten suggestions given by DOE OB staff. Any suggestions presented verbally will be followed by written correspondence. We realize that a response to verbal suggestions is an expectation which goes beyond the provisions of the AIP. Therefore, it is imperative that we finalize the Site Specific Protocol in order to delineate the procedures which should be followed regarding NMED DOE OB's evaluations, suggestions, and expected response from DOE and LANL. I urge that this document be completed as soon as possible so that misunderstandings do not occur.

DOE OB also realizes that DOE works closely with NMED's Hazardous and Radioactive Materials Bureau (HRMB) in setting environmental work priorities at LANL. NMED DOE OB personnel will continue to provide advance or concurrent notice to the DOE POC when conditions are observed in the field which will be reported to other NMED bureaus as potential regulatory violations. I do not believe that the AIP nor the Umbrella Protocol dictate advance notice. NMED DOE OB will continue the role of providing DOE with advice in order to afford you the opportunity for regulatory compliance. DOE OB's role is not that of regulatory enforcement. We view our role as providing you with the opportunity for voluntary compliance prior to other NMED bureaus taking enforcement action.

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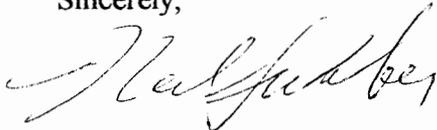


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Mat Johansen
December 3, 1996
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I trust that I have addressed your concerns. If you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Neil S. Weber".

Neil S. Weber, Chief
NMED DOE Oversight Bureau

NSW:dg

cc: Ted Taylor, LAAO
Benito Garcia, NMED HRMB
John Parker, NMED DOE OB
Steve Yanicak, NMED DOE OB