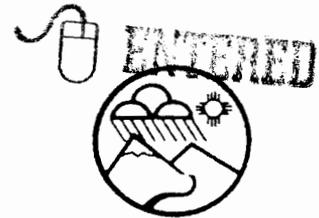




GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
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Telephone (505) 827-2855
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PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

February 8, 2001

Dr. Inez Triay
Manager
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

RE: Clarification of New Mexico Environment Department Correspondence Dated February 8, 2001:
NMED Approval of RFETS Final Audit Report, Audit A-00-12, Waste Isolation Pilot Plant, EPA I.D.
Number NM4890139088

Dear Dr. Triay:

Thank you for your phone call on February 7, 2001 during which you expressed concerns regarding the above-referenced correspondence. During our conversation, you took exception to language in the second-to-last paragraph of the letter, indicating that, in your opinion, it did not accurately reflect the sequence of events (so-called coaching of the auditor) nor did it accurately portray the relationship that your office maintains with the independent audit contractor, CTAC.

As you recall, you and I met on February 5, 2001 to discuss the referenced audit. Specifically, we discussed the incident, which is the subject of the paragraph in question. In short, I believe that, although we both agree that the contact which occurred between the Carlsbad Field Office, my staff, and CTAC could have, and should have, been handled differently, the integrity of the audit was in no way compromised. At our February 5 meeting, we delineated a path forward by establishing critical elements for an auditing protocol, which will eliminate any potential for a recurrence of the subject incident. Specifically, we agreed:

- It is inappropriate for either DOE or NMED officials to communicate with the auditors unilaterally during the field audits;
- The DOE and NMED would make every effort to agree upon interpretations of permit conditions prior to the initiation of the audit;
- Should questions arise during the audit regarding the interpretation of specific permit conditions, the DOE and the NMED would engage in direct dialogue to harmonize our interpretations; and
- Harmonized interpretations would be transmitted to the auditors jointly.

I would further suggest that if a harmonized interpretation cannot be obtained, the auditors would be placed on temporary standby status pending resolution of the interpretations. The details concerning establishment of audit protocols are to be worked out by a high-performing team composed of members from NMED, CBFO and CTAC.

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Dr. Inez Triay
February 8, 2001
Page Two

In closing, please accept my apologies if you interpreted the February 7, 2001 letter as either an attack on you or Mr. Watson or an attack on the credibility or integrity of your contractor CTAC. We look forward to an on-going and productive relationship with you, your staff, and your contractors as we pursue our respective missions regarding the WIPP facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Maggiore", with a long horizontal flourish extending to the right.

Peter Maggiore
Cabinet Secretary

cc: Mr. James Bearzi
Mr. John Kieling
Mr. Steve Zappe
Ms. Susan McMichael
Mr. Howard Roitman
Mr. David Neleigh
Ms. Mary Krueger
Mr. Robert Laney
Ms. Connie Walker
Mr. Don Hancock
Ms. Jonie Arends

WIPP / read files