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FAX COVER SHEET

Date: February 21, 2001
To: Joni Arends
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From: Steve Zappe
Number of Pages (including this cover sheet): 4

COMMENTS

Joni -

James mentioned you asked him yesterday about the letter by Dennis Hurtt in the Reporter this past week. Attached is Dennis's letter and my e-mail response to him today once I read it and regained my composure. I want to assure you I played no role in DOE's decision to cancel the Santa Fe public meetings. As the Reporter conveyed in their original story, I was disappointed in their decision, but I had no regulatory "hook" to require them to continue holding meetings in Santa Fe. However, I'm asking you to encourage your constituents to attend the meeting here on March 8 and subsequent meetings so we don't have to confront this issue again. Thanks!

010244



FROM THE FIELD

A recent edition included a report regarding the US Department of Energy's recent decision to hold public information meetings on proposed Class 2 modifications to the Waste Isolation Pilot Plant's Hazardous Waste Facility Permit only in Carlsbad [Outtakes, Jan. 31: "Santa Fe Shut Out"].

The DOE's Carlsbad Field Office made this decision based on experience with low attendance at two previous public information meetings hosted in both Carlsbad and Santa Fe. In addition, Mr. Steve Zappe of the New Mexico Environment Department had informed us that stakeholder

interest groups in the Santa Fe area were boycotting these sessions. Given the cost and staff time associated with holding the meetings, the DOE determined that

offering public meetings at both locations might not be a prudent use of taxpayer money.

Further, in view of the marginal interest in Santa Fe, management of the New Mexico Environment Department had reminded us that the permit requires only one meeting for each proposed Class 2 permit modification. The regulation also stipulates that, "the meeting must be held to the extent practicable in the vicinity of the permitted facility."

Recently, however, the stakeholder community in northern New Mexico and the state Environment Department both requested that the DOE reinstate these meetings in Santa Fe. In consideration, DOE will continue to host the public information meetings in Santa Fe, in addition to southeast New Mexico.

The DOE's Carlsbad Field Office remains committed to open communication with its stakeholders and will continue to provide opportunities for information exchange and involvement in its decision-making processes.

DENNIS S. HURTT
OFFICE OF PUBLIC AFFAIRS, DEPARTMENT OF ENERGY
CARLSBAD

Santa Fe Reporter

Feb 14 - 20, 2001



Subject: Disappointment over your SF Reporter letter

Date: Wed, 21 Feb 2001 12:38:30 -0700

From: Steve Zappe <Steve_Zappe@nmenv.state.nm.us>

Organization: NMED Hazardous Waste Bureau

To: Dennis Hurtt <hurtttd@wipp.carlsbad.nm.us>

CC: Jody Plum <plumj@wipp.carlsbad.nm.us>, James Bearzi <James_Bearzi@nmenv.state.nm.us>, Greg Lewis <Greg_Lewis@nmenv.state.nm.us>, Bob Kehrman <kehrmab@wipp.carlsbad.nm.us>

BCC: Will Fetner <William_Fetner@nmenv.state.nm.us>, Steve Holmes <Steve_Holmes@nmenv.state.nm.us>

Dennis -

I'm sorry this only came to my attention this morning, or perhaps I would have taken the opportunity to publicly rebut your letter published in the Santa Fe Reporter in the February 14 - 20, 2001 issue. I see no need in writing to them to clarify your misrepresentations of our conversation, but I thought you deserve to hear directly from me how disappointed I am in the text and tone of your letter.

I question your assertion that meeting attendance at the previous two Santa Fe public meetings on proposed permit modifications was low. I'll grant you that the August 31, 2000 meeting was poorly attended by Santa Fe residents, primarily because (as Joni Arends publicly stated at that meeting) they were boycotting it because they believed the onsite characterization modification should be a Class 3 modification. However, you seemed to have forgotten the group of twelve citizens from Carlsbad led by Cliff Stroud and Rep. John Heaton who provided their public comment at that Santa Fe meeting, as well as Lindsay Lovejoy, Judith Moss, Joni Arends, Marina Day, and Tom Fiorina. I hardly call that low attendance. Strikingly, I have no notes from the Carlsbad meeting two days earlier. As I recall, there wasn't a single public comment uttered by a citizen at that meeting.

Likewise, I'm puzzled why you characterized the turnout of concerned, vocal citizens at the January 11, 2001 meeting as low, unless you meant to disenfranchise the high school students from Santa Fe Prep. I have several pages of notes taken at that meeting based upon the comments and questions from all involved. I didn't take notes at the Carlsbad meeting two days earlier, but as I recall there were only two citizens who spoke.

I never informed you that stakeholder interest groups were boycotting these "sessions." I only repeated to you and Bob Kehrman on the phone what Joni had said in everyone's presence at the August meeting - there has never been any indication that anyone boycotted the January Santa Fe meeting. In fact, one aspect of the public discussion at the January meeting centered around whether everyone who receive notice of the

meeting in December remembered it in the deluge of holiday mail. To insinuate that I informed you that citizens boycotted the January meeting, and that this led to your decision to cancel the Santa Fe meetings, is wrong.

If CBFO is concerned about the cost and staff time associated with the Santa Fe meetings, I suggest you reduce the number of people who come up here. I think Bob Kehrman and Jody Plum could manage the Santa Fe meeting, particularly if the meetings are truly characterized by "low attendance" as you suggest.

The paragraph dealing with NMED reminding you that "the permit requires only one meeting" also strikes me as distorting what I distinctly remember telling you (and what was accurately reported the Reporter article January 31 - February 6, 2001). It was not "in view of the marginal interest in Santa Fe" - instead, you should have said it was "despite the marginal interest and turnout in Carlsbad" that I reminded you that you are required to hold only one meeting, and that the meeting needed to be in the vicinity of the facility. Believe me, the fact that it is required is the primary reason why I'm the only one from NMED who attends the Carlsbad meetings - if they weren't required, I'd stop attending because I've seen very little benefit from them to compensate for the time and expense of traveling down there. To imply that I reminded you of the requirement to only hold one meeting "in view of the marginal interest in Santa Fe" is the exact opposite of why I told you that. I told you I was powerless to require you to hold a meeting in Santa Fe if that was to be your decision, and I told you I was disappointed in that decision, but there is no way that I was encouraging you to find yet another justification for doing it. The way you wrote the letter, it sounded as though I was partially responsible for your decision to cancel the Santa Fe meetings.

I'm delighted that you have since reinstated the Santa Fe meetings, but I'm sorry it took Secretary Maggiore to personally intervene for that to happen. I would like to think that you could publicly justify your own decisions without making it appear that I led you to the actions you took. You know and I know that CBFO was responsible for canceling the Santa Fe meetings, and to put some of the responsibility on me (especially *after* you called to tell me your decision) is at best disingenuous.

I trust that you won't feel compelled to put me in this position again.

Steve