



Department of Energy

Washington, DC 20585

JUN 23 2004



Mr. Ron Curry, Secretary
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502-6110

✓ Mr. James P. Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 E. Rodeo Park Drive, East, Bldg. 1
Santa Fe, New Mexico 87505-6303

Subject: Reiteration of the U.S. Department of Energy (DOE) position on the New Mexico Environment Department (NMED) Proposal to Re-establish an Agreement-In-Principle Office for Waste Isolation Pilot Plant (WIPP)

Dear Mr. Curry and Mr. Bearzi:

On Saturday, June 19, 2004, the Albuquerque Journal carried a story regarding discussions between NMED and DOE about an agreement to re-establish a NMED Office at the WIPP. The story stated that the NMED Office represented a down-sized replacement of the discontinued Environmental Evaluation Group (EEG) effort. That is absolutely not correct.

DOE agreed to support the NMED proposal to structure this office at WIPP under the existing Agreement-In-Principle (AIP) Program in a manner that is entirely consistent with its existing offices in Albuquerque for Sandia National Laboratories, Los Alamos for Los Alamos National Laboratory, and exactly like the office in Carlsbad for WIPP that was established in 1993 and dissolved in 1996 because WIPP was not yet operational.

The AIP framework, which is not unique to New Mexico, provides specific parameters for non-regulatory activities by state agencies throughout the DOE complex. Consistent with this model, DOE is preparing an updated scope of work for the NMED Office that reflects the objectives stated in the AIP to provide for monitoring, data sharing, and public information. Funding will be administered by DOE at the requested level through the existing AIP instrument (DOE Grant DE-FG04-91AL65779) for work beginning on July 1, 2004. Note that these functions do not include operational oversight of WIPP.



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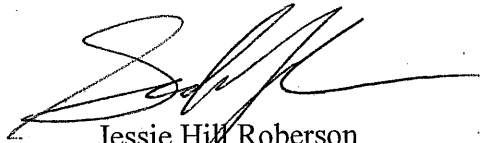
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Senator Domenici, whose leadership over the years has been so critical to the success of WIPP, and who has endeavored to improve every aspect of WIPP operations to benefit New Mexicans, has introduced legislation that would provide for a competitively awarded contract for the conduct of independent WIPP oversight. That legislation is included in the Senate Armed Services Committee version of the Department of Defense Authorization Act for FY 2005. Nothing NMED and DOE have agreed to, with regard to implementation of the AIP framework in Carlsbad, should be understood as having any bearing on the measures proposed in this legislation.

If you have any further questions regarding this proposed agreement, please call Mr. Paul Detwiler, Acting Manager, Carlsbad Field Office, at (505) 234-7300.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessie Hill Roberson', with a long horizontal flourish extending to the right.

Jessie Hill Roberson
Assistant Secretary for
Environmental Management