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  
eexisting 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.
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,

[Signature]

Jessie Hill Roberson
Assistant Secretary for
Environmental Management