

Allen, Pam, NMENV

From: Maestas, Ricardo, NMENV
Sent: Thursday, December 18, 2014 9:01 AM
To: Allen, Pam, NMENV
Subject: FW: Class 1 PMN
Attachments: Dr. Moniz ltr 2014 (2).pdf

May

From: Kyle Marksteiner [<mailto:kmarksteiner@yahoo.com>]
Sent: Tuesday, May 20, 2014 10:24 AM
To: Kliphuis, Trais, NMENV
Cc: Maestas, Ricardo, NMENV
Subject: Re: Class 1 PMN

Here's the letter sent to Moniz. It turns out that the scope is not going to West Virginia, but at least a significant portion (based on our understanding) is expected to leave the state by 2015. I'll try to get everything else together for you as well.

Kyle

From: "Kliphuis, Trais, NMENV" <trais.kliphuis@state.nm.us>
To: Kyle Marksteiner <kmarksteiner@yahoo.com>
Cc: "Maestas, Ricardo, NMENV" <Ricardo.Maestas@state.nm.us>
Sent: Tuesday, May 20, 2014 10:11 AM
Subject: RE: Class 1 PMN

May I have a copy of the letter and any other documents that you think I would find useful?

Trais Kliphuis
WIPP Staff Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive E, Building 1
Santa Fe, New Mexico 87505

Office: 505-476-6051
Front Desk: 505-476-6000

From: Kyle Marksteiner [<mailto:kmarksteiner@yahoo.com>]
Sent: Tuesday, May 20, 2014 9:59 AM
To: Kliphuis, Trais, NMENV
Subject: Re: Class 1 PMN

Thank you Trais. I had not caught the "readily retrievable and available" line, but we mentioned the located in Carlsbad portion in our letter to Moniz. The only response has been that they followed procurement law, which was not our expressed concern.



Kyle

From: "Kliphuis, Trais, NMENV" <trais.kliphuis@state.nm.us>
To: Kyle Marksteiner <kmarksteiner@yahoo.com>
Sent: Tuesday, May 20, 2014 9:52 AM
Subject: RE: Class 1 PMN

FYI –

From Permit Attachment E, Page E-1:

“Beginning with the effective date of this Permit, records that are over the three year retention period are either maintained at the WIPP site or transferred to the WIPP Records Archive located in Carlsbad, NM until closure. The records maintained at the WIPP Records Archive are stored in facilities that are temperature and humidity controlled especially for the long term storage of records and readily retrievable and available for inspection.”

I am not convinced this can be changed as a Class 1....

Trais Kliphuis
WIPP Staff Manager
Hazardous Waste Bureau
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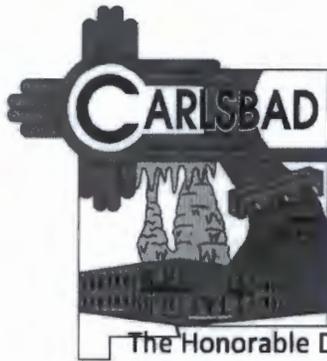
From: Kyle Marksteiner [<mailto:kmarksteiner@yahoo.com>]
Sent: Tuesday, May 20, 2014 9:30 AM
To: Kliphuis, Trais, NMENV
Subject: Class 1 PMR

Dear Trais:

If NWP/DOE ever file a Class 1 PMR or any sort of administrative notice attempting to change the permit to remove mention of the WIPP records archive being located in Carlsbad can we please be made aware of that filing? I just want to make sure that does not somehow slip past us.

Thanks,

Kyle Marksteiner



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DALE JANWAY
MAYOR

STEVE McCUTCHEON
CITY ADMINISTRATOR

May 13, 2014

The Honorable Dr. Ernest Moniz

Secretary of Energy

U.S. Department of Energy

1000 Independence Ave., SW

Washington, DC 20585

the.secretary@hq.doe.gov

Fax 202-586-4483

David.klaus@hq.doe.gov, colin.jones@em.doe.gov, david.huizenga@em.doe.gov

Dear Secretary Moniz:

On May 7, Nuclear Waste Partnership (NWP) announced that it had awarded a subcontract to TFE to manage records from the U.S. Department of Energy's Waste Isolation Pilot Plant. The subcontract previously was held by Stoller, Inc. (now owned by Huntington Ingalls Industries), which was part of a different team that bid on the records subcontract and has a long history of operations in Carlsbad.

The decision has many Carlsbad residents very upset, but it also might be a decision that is not in compliance with state and congressional intent. This is not a decision that just changes a name on paper – it is our understanding that only 37 of the 68 local employees of the WIPP records contract will remain employed.

It is also our understanding that, as part of this subcontract change, much of the consolidation work (digital processing and organizing of WIPP's records) will be moved to the West Virginia area. The actual documents will still wind up being archived here. In summary, a significant part of the work scope and number of jobs are being moved away from the community where WIPP exists and where the documents will actually wind up.

Let's put aside, for a moment, the horrible public relations aspect of this decision. NWP and all of WIPP are currently embroiled in the most significant setback of the project's 15-year history. NWP should be building confidence in Southeastern New Mexico right now, and subcontracting with an outside company who will be laying off a large group of local people doesn't exactly seem like the wisest way to build community relations.

Also, according to NWP's Community Commitment Plan, the company strives to spur regional economic growth by spending a significant portion of its subcontractor budget on local employment. Stoller has a significantly greater historical local presence than TFE. We also hope this contract will continue to employ 12 special needs men and women who are clients of CARC Inc.

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More significantly, state and congressional documentation indicate that the intent, all along, was for the WIPP Records Archive process to remain in Carlsbad. It kind of makes sense, since WIPP is in Carlsbad, that WIPP's paperwork also be handled in Carlsbad.

Here's an excerpt from the DOE's 2004 allocation (Energy and Water Appropriation Bill) for the record archive ... "and an additional \$1,500,000 to consolidate at Carlsbad all record archives relevant to the operations of WIPP and the transuranic waste in WIPP." (Emphasis added)

This brought the total amount of money congress appropriated to set up the records processing in Carlsbad to \$7 million, including more than \$3 million for facilities that may no longer be used.

In 2006, funds were set aside "to consolidate all record archives relevant to the operations of WIPP at Carlsbad, and to provide these records in a format that is user friendly and supports timely access to information."

In other words, the WIPP Records Archive was created federally with the full understanding that the facility would be in Carlsbad, as would the consolidation of records.

The State of New Mexico, one of WIPP's regulators, also seems to think that the WIPP Records Archive process belongs in Carlsbad. A 2007 Class 1 permit modification establishes a definition of the facility, noting federal direction to "provide facilities to consolidate, at Carlsbad, New Mexico, all record archives relevant to the operations of WIPP and the transuranic waste in the repository."

The complete (2013) version of WIPP's Hazardous Waste Permit continues to use language referencing processes taking place at the WIPP records archive facility, specifically mentioned as being located in Carlsbad.

It's also worth noting that the Carlsbad facilities, where the archiving takes place were funded by the Department of Energy (the taxpayer) and were specifically designed to facilitate digital processing and the archival process. Several million dollars were spent on designing these facilities to be the long-term record archive. Abandoning these facilities now is a crime against the taxpayer.

It is certainly possible that NWP examined the two competing bids and judged TFE to be the better proposal. However, one of the requirements should have been retaining all operations in Carlsbad, so if TFE's bid involved taking consolidation of WIPP records or the archive itself out of Carlsbad, then the bid should not have been awarded to TFE.

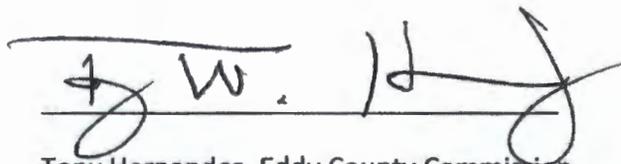
We believe the awarding of this subcontract to be illegitimate. After you have had time to review the facts, we hope you will reach the same conclusion and rescind the contract award immediately. We are also currently working with Carlsbad Field Office Manager Joe Franco on

resolving this issue. Joe has been tremendous to work with through this entire ordeal. We have a high degree of confidence in his abilities as Manager of the Carlsbad DOE facilities.

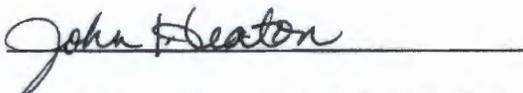
Sincerely,



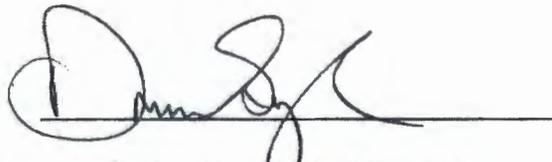
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Chairman



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Chairman



Dave Sepich, President of Carlsbad
Department of Development

cc: Governor Susana Martinez
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Senator Martin Heinrich
Congressman Steve Pearce
Senator Ron Griggs
Senator Carroll Leavell
Senator Gay Kernan
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Carlsbad City Council
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