



ENTERED

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DEC - 6 1986

MEMORANDUM

TO: Larry J. Gordon, Secretary-Elect, HED
FROM: Denise D. Fort, EID Director *DF*
SUBJECT: DOE COMPLIANCE WITH EPA'S STANDARDS

I met with Mr. Romatowski with DOE on Wednesday, December 4 to discuss the issue of DOE's intentions regarding timely compliance with EPA's standards. The key issue is the date by which DOE intends to document whether or not their project meets EPA standards for nuclear disposal facilities. As you will recall, DOE's position had previously been that compliance with the standards was not required until five years after the facility became operational.

At our meeting, Mr. Romatowski stated that he had not in fact decided by what date DOE would demonstrate compliance. I would interpret that to mean that we may yet be able to persuade DOE that our interpretation of the regulation is a correct one. A meeting has been scheduled for early January to discuss the considerations that DOE has before it in determining a schedule for compliance. Bob Neill will presumably attend that meeting as Chief of the Environmental Evaluation Group. Richard Holland attended the meeting with me yesterday and could represent you, if you wish. My attached letter to DOE notes that the State will determine further action after that meeting.

In a related issue, DOE has refused to release many of the documents they have about this issue. At the meeting, I formally told them their refusal to comply with the Freedom Information Request Act was unacceptable and that we would be pursuing it through the procedures provided by the Freedom Information Act. This means that I should receive a formal FOIA response sometime shortly.

I have also attached a newspaper article which is an accurate description of our meeting. Please let me know if we can provide any further information.

Attachment

cc: Ms. Marilyn Budke

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12/14/82

State Sees Progress On WIPP

DOE Backs Off Stand Against Obeying Rules

By David Staats

OF THE JOURNAL'S CAPITOL BUREAU

SANTA FE — State environmental officials got only a portion of what they wanted Wednesday in a meeting with the U.S. Department of Energy aimed at resolving state demands for the Waste Isolation Pilot Plant.

The federal agency apparently softened its previous statements that it doesn't intend to comply with new federal standards for nuclear waste disposal until 1993 — a date the state says is too late. But DOE also refused to give the Environmental Improvement Division all the documents the state requested on the subject of compliance, division Director Denise Fort said.

The state wants WIPP to comply with U.S. Environmental Protection Agency standards by October 1988, when WIPP will begin receiving waste shipments. The standards govern the management and disposal of spent nuclear fuel, high-level and medium-level radioactive wastes.

The \$2.1 billion WIPP project, southeast of Carlsbad, will store radioactive wastes from federal defense plants. The wastes will be buried more than 2,000 feet deep in a salt bed. The wastes include contaminated materials such as rags, rubber gloves and tools. Some spent fuel from reactors will be stored on an experimental basis.

DOE had said previously that compliance should wait until 1993, the end of a five-year experimental period that DOE said would determine whether or not WIPP is a suitable site for permanent storage of radioactive wastes.

Fort and Dennis Krenz, DOE's assistant manager of projects and energy programs in Albuquerque, said Wednesday that DOE now lacks a firm schedule for complying with the EPA standards. Fort said R.G. Romatowski, DOE's Albuquerque operations manager, said the 1993 date is not an official position.

Fort said she was dissatisfied with DOE's refusal to release all the documents the state requested concerning compliance with the EPA standards. She said she handed DOE officials a letter Wednesday requesting the documents.



JOURNAL PHOTO / DICK KETTLEWELL

go from a heroin trafficking arrest last week, escaped briefly from officers during an afternoon visit to a doctor's office. Detective Capt. Fred Rubio said Roman is a suspect in other forgery investigations now under way.

Targets Violations

n. We believe it has lacked the expertise and will to do its

are: security on tracks' "backsides," metal fences, tighter control over staff, and more sophisticated systems.

ement of rules against illegal bets and against the use of illegal drugs aimed at stimulating horses' bets would include tougher unannounced searches and bets and jockeys' quarters. t to identify veterinarians or illegal horse drugging or sites.

oratory testing for signs of horses. Some tests now lead to ions, and some legal medication presence of illegal drugs, the

ificantly increase the number

and expertise of investigators for the New Mexico Racing Commission."

The last two recommendations would require legislative approval, and legislation is being drafted for consideration by the Legislature in January, the letter states.

Recent Albuquerque Journal stories have reported the views of many veterinarians, trainers and officials that illegal drugging of horses at New Mexico tracks has reached epidemic proportions. Some estimates ranged as high as four horses in 10, particularly for quarter horses.

Illegal drugs are used by some trainers to gain an edge or to keep horses running when they otherwise would be unfit to run on a given day.

Newton was not in his office late Wednesday afternoon and did not immediately return a telephone call seeking comment.

Selma Sierra, Carruthers' public-affairs deputy, declined to comment on the letter, saying the governor-elect's office wants to wait until Newton announces details of the plan Saturday.

Emergency, Leases Computer

he said, the state's administration could rise from \$68,000 a month to \$100 a month if the federal government's share of the fund. The extra yearly cost to the state would be \$772,000.

he was briefed on the federal funding and finds it. He said he doesn't understand the state so long to realize

there is little room to explore using any other vendor besides IBM or their compatibles, which leaves out Digital Equipment Corp., Unisys and Wang.

The IBM will be leased from Bell Atlantic Systems Tricon Leasing Inc. at a total cost of \$446,604 or \$74,430 a month. A decision on a final purchase of the leased computer or any other compatible brand will be left to the new administration, Lithgow said.

factors used to make a selection. He also disputed the propriety of requiring a specific brand-name computer — IBM — in the request for proposals.

Brown also said the new administration should have more flexibility than it's inheriting. "The incoming administration ought to have the latitude in deciding whether to put all this on a single processor," he said.