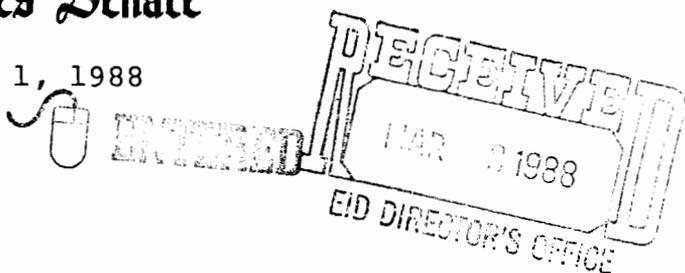


# United States Senate

March 1, 1988



Mr. Mike Burkhart  
EID  
P.O. Box 968  
Santa Fe, NM 87504-0968

Dear Mike:

Pursuant to our telephone conversation of today, I am enclosing a copy of the press release and letter Senator Bingaman sent to Governor Carruthers.

If I can be of further assistance, please let me know.

Sincerely,

Rebecca Bustamante  
District Coordinator  
For Jeff Bingaman  
United States Senator

RB/s  
enclosure

880301



PLEASE REPLY TO:

500 GOLD AVE., SW., ROOM 9017  
ALBUQUERQUE, NM 87102  
(505) 766-3636

H.L. RUNNELS FEDERAL BUILDING, SUITE 201-B  
LAS CRUCES, NM 88001  
(505) 523-8237

FEDERAL BUILDING, SUITE 175  
ROSWELL, NM 88201  
(505) 622-7113

123 E. MARCY, SUITE 207  
SANTA FE, NM 87501  
(505) 988-6647



# Jeff Bingaman

U.S. Senator

502 Hart Senate Office Building, Washington, D.C. 20510 • Contact: Jack Waugh, 202/224-6385, 202/224-5521

FOR IMMEDIATE RELEASE  
February 26, 1988

Bingaman Hits the Undermining of EEG;  
Calls on Governor to Reverse Policy

WASHINGTON -- Senator Jeff Bingaman (D-NM) has called on Governor Garrey Carruthers to reverse the damaging policies that are undermining New Mexico's Environmental Evaluation Group (EEG), the WIPP oversight organization.

Bingaman said the Governor's decision to transfer the EEG scientists to Carlsbad, the arbitrary freeze of staff salaries, and the order for bureaucratic approval of the group's publications, public briefings, reviews and travel "have drastically reduced morale of the scientists."

The Senator in a letter delivered to the Governor late yesterday said, "I am particularly disturbed by the decision of the EID Director to require bureaucratic approval before scientists in the EEG can make known their views in publications or public briefings."

In his letter to the Governor, Bingaman wrote: "The Congressional intent with regard to funding EEG was clearly to provide for a truly independent State review capability available to all Federal and State representatives. I view the actions by your Administration as seriously affecting these important purposes. Those actions appear designed to render EEG an Executive Branch advisory group without the independence and competence it has previously enjoyed. I am persuaded that the collective effect of these actions will be irreparable harm to the State. I strongly urge you to take necessary action to ensure that these scientists, whose skills and institutional memory are sorely needed by New Mexico, be allowed to continue their job."

In his letter Bingaman indicated that two of the five members of the group have already submitted their resignations and the others are seriously evaluating their plans and their effectiveness as a part of the group.

The EEG was set up in 1978 to counsel the state on the scientific issues of public health and safety at the Waste Isolation Pilot Plant.

"The group," Bingaman reminded the Governor, "was established to facilitate the hiring of experienced senior scientists and to provide them with an environment of trust, free from bureaucracy, which would allow them to carry out first-class scientific review work. The process has worked extremely well, and I know from my own experience with this group that they have performed their function in a most expert manner, free from biases, gaining the respect of scientists in the Department of Energy, Sandia National Laboratory, National Academy of Sciences and the state universities. Absent Nuclear Regulatory Commission involvement with WIPP, EEG is the only full-time group performing an independent peer review of WIPP."

Attached: Bingaman letter to Carruthers  
EID Memorandum on reorganization

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# United States Senate

February 25, 1988

The Honorable Garrey Carruthers  
Governor of the State of New Mexico  
Santa Fe, New Mexico 87503

Dear Governor Carruthers:

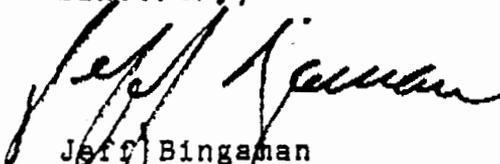
Due to recent decisions by your administration, I am concerned with the uncertain future of the Environmental Evaluation Group (EEG). Your decision to transfer the entire office of Santa Fe-based scientists to join the operational group in Carlsbad; the arbitrary freeze on the staff salaries for an unspecified period; and the order for bureaucratic approval of the publications, public briefings, reviews and travel by the group, have drastically reduced morale of the scientists. I understand that two of the five members of the group have already submitted their resignations with the rest seriously evaluating their plans and their effectiveness as a part of this group.

As you know, the group was set up in 1978 in order to provide the State with counsel on the scientific issues of public health and safety related to the Waste Isolation Pilot Plant. The group was established to facilitate the hiring of experienced senior scientists and to provide them with an environment of trust, free from bureaucracy, which would allow them to carry out first-class scientific review work. The process has worked extremely well, and I know from my own experience with this group that they have performed their function in a most expert manner, free from biases, gaining the respect of scientists in the Department of Energy, Sandia National Laboratory, National Academy of Sciences and the state universities. Absent Nuclear Regulatory Commission involvement with WIPP, EEG is the only full-time group performing an independent peer review of WIPP.

When I served as Attorney General, I filed a lawsuit on behalf of the state against the DOE because they declared that WIPP was ready for construction in 1981. The Stipulated Agreement resulting from this lawsuit required DOE to perform a number of scientific studies. As a result of EEG's evaluation of these studies in 1983, follow-up work was deemed necessary and became a part of the first modification to the Consultation and Cooperation Agreement between the DOE and the State in 1984. Reports resulting from these studies are due to arrive throughout 1988 and should be reviewed by EEG before WIPP becomes operational. In addition, the Performance Assessment reports that determine WIPP's compliance with the EPA Standards will be issued by DOE during the next four to five years. Your decision to transfer the group to Carlsbad, and the EID Director's decision to eliminate the professional and scientific independence of the group, will preclude this important review work from being conducted.

The Congressional intent with regard to funding EEG was clearly to provide for a truly independent State review capability available to all Federal and State representatives. I view the actions by your Administration as seriously affecting these important purposes. Those actions appear designed to render EEG an Executive Branch advisory group without the independence and competence it has previously enjoyed. I am persuaded that the collective effect of these actions will be irreparable harm to the State. I strongly urge you to take necessary action to ensure that these scientists, whose skills and institutional memory are sorely needed by New Mexico, be allowed to continue their job.

Sincerely,



Jeff Bingaman  
United States Senator

JB/mfa



NEW MEXICO  
HEALTH AND ENVIRONMENT  
DEPARTMENT

Post Office Box 888  
Santa Fe, New Mexico 87504-0888

ENVIRONMENTAL IMPROVEMENT DIVISION

Michael J. Burkhardt  
Director

GARRY CARRUTHERS  
Governor

LARRY GORDON  
Secretary

CARLA L. MUTH  
Deputy Secretary

February 17, 1988

MEMORANDUM

TO: Robert H. Neill, Director EEG

FROM: Kirkland L. Jones, Deputy Director

SUBJECT: Reorganization of EID

Under the new reorganization of EID I have assumed responsibility for the day-to-day supervision of the professional services contract between EID and NMIMT. I intend to take an active role in the evaluation of the WIPP project. I wish to review and approve all publications, reports, papers, or other documents prior to release. Please submit all out-of-state travel requests and requests for public briefings or reviews to me for approval prior to obligation of time or funds.

Please notify me prior to any personnel actions. I wish to review the qualifications of any proposed new staff prior to assignment to this contract.

Norma Silva will be assisting me with financial operations of the Waste Management Branch. She will be my point of contact for financial review. Please extend her your normal courtesy.

I noted an IRPA Conference was planned for Spring of 1988. No out-of-country expenses will be approved under this contract.

I recognize that it will be difficult to satisfy the statement of work in the current contract. I will provide as much assistance as possible.

KJ/sl