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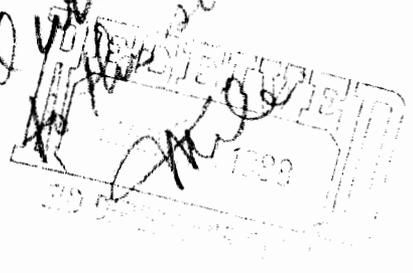
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STATE OF NEW MEXICO

ENVIRONMENTAL EVALUATION GROUP

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*Kirkland
he's saying
up against you
Be careful what you
write
to the state bill!*



MEMORANDUM

March 16, 1988

To: Kirkland Jones, Deputy Director, EID

From: Robert H. Neill, Director, EEG *Robert H. Neill (by Ashok Shah)*

In your review of the three papers presented by EEG at the Waste Management Symposium, you sent me a note stating that the papers included three policy matters and such policy items will be excluded from any future presentations by EEG. I don't believe they are setting policy.

- 1. You objected to my statement that appointments in EEG were based on a federal salary structure in the section on staffing patterns.

This was the HED policy when EEG was established in 1978 and it is a statement of fact. It was a contractual commitment between DOE and HED/EID and, needless to say, I wasn't responsible for setting that policy in establishing EEG.

- 2. You also objected to the statement that defense high level waste disposal and uranium mill tailings are licensed by NRC and defense TRU wastes are not.

The three federal laws were established by Congress and are national policies. I have used this slide in countless presentations over the years to illustrate the heavy burden placed on the State to conduct a scientific overview since WIPP is not subject to the scrutiny of the independent NRC licensing process for disposal as the two other defense waste forms are.

- 3. The other comment related to limiting waste emplacement during the pre-disposal phase to that required for research and development.

The basic concept of radiation protection outlined in ICRP 26 is to judge the relative benefits and risks of all radiation exposure. DOE has stated that the first five years of operation at WIPP will be research and

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development. To date, they have only verbally indicated a research and development need of 25,000 drums for experiments during that period. Until DOE identifies experiments requiring 125,000 drums, it is an unnecessary radiation exposure to the workers at WIPP to handle these drums and boxes twice. Additionally, if retrieval proves necessary (an unlikely event), the additional handling will be unnecessary radiation exposure to the workers. Hence, good radiation protection practice dictates that emplacement during the research and development phase should be limited to that required to obtain the benefits associated with such experiments.

Since you stated in your February 16 memo to me that you will approve all publications, reports, papers, and other documents generated by EEG, I am concerned that your interpretation of matters such as these may have a chilling effect on the scientific independent reputation achieved so painstakingly over the past 9.5 years.

RHN:ss
cc: ✓ Michael Burkhart