

WIPP file



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RECEIVED
SEP 20 1995

September 19, 1995

George Dials, Manager
U.S. Department of Energy
Carlsbad Area Office
P.O. Box 3090
Carlsbad, New Mexico 88221

Dear Mr. Dials:

New Mexico Environment Department DOE Oversight Bureau staff at WIPP are experiencing some problems regarding the availability of data concerning ongoing research at the WIPP site. Access to information pertaining to monitoring and research at WIPP is required for them to effectively perform the responsibilities of their jobs. Under the Oversight and Monitoring Agreement between the Department of Energy and the State of New Mexico (AIP), the DOE has committed to providing the state access to facilities and information necessary to assure the citizens of New Mexico that DOE programs are protective of the public health and the environment. Apparently our staff at the WIPP site are now being told that the information which they have requested is outside of the scope of the Agreement. This assertion is contrary to my understanding of the Agreement and the nature of the information requested.

The information which has been requested is integral to the independent evaluation by my staff of the H-19 tracer test study which itself is an integral part of the WIPP Performance Assessment (PA). Timely release of such information is essential to the proactive role of the DOE Oversight Bureau (DOE-OB), which when it's working best provides a rigorous independent review of DOE environmental programs prior to regulatory actions. This affords DOE an opportunity to address technical concerns raised by the DOE-OB and thereby possibly avoid notices of deficiency by the regulator.

Apparently the DOE site Point of contact (POC), Kent Hunter, has contented that the data in question derives from a program which is outside of the scope of the AIP. I am not aware of any support for this contention within the agreement itself which states:

"The general intent of State actions is to establish a comprehensive, coordinated environmental oversight . . . program . . . and to facilitate a better understanding by...the general public of the State's perspective on the environmental impacts and health risks, if any, associated with the facilities operation."

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Although there seems to be little question that the information being requested is within the scope of the Agreement, I am very sensitive to the scheduling constraints of the WIPP project and do not wish to impose an additional burden on your staff which your schedule had not anticipated. The information in this specific case however has apparently been available since July and therefore in the spirit of cooperation I would urge you to provide DOE-OB staff at the WIPP site a copy of this information as soon as is possible.

Should you wish to discuss this specific request or the role of the DOE-OB with regard to the WIPP project, I would be willing to meet with you at your convenience. In closing, I hope that the excellent support provided to my staff at the WIPP site will continue and that we may overcome the recent problems in the implementation of our program through clarification of our oversight role.

Sincerely,



Ed Kelley, Director
Water and Waste Management Division

EK:NSW:kem

cc: Mr. Mark E. Weidler, Secretary NMED
Mr. Neil S. Weber, DOE Oversight Bureau
Mr. Keith Mc Kamey, DOE Oversight Bureau
Dr. William Stone, DOE Oversight Bureau
Mr. Benito Garcia, HRMB
Mr. John Arthur, DOE/AL
Ms. Tracy Loughhead, DOE/AL
Mr. Kent Hunter, DOE/CAO
Mr. Wayne Walker, DOE/CAO
Mr. Roger Scott, Lamb Assoc.
Mr. Chuck Byrum, EPA