



ENVIRONMENTAL EVALUATION GROUP

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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May 15, 1998

Mr. George E. Dials, Manager
Carlsbad Area Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221-3090

Dear Mr. Dials:

In response to your letter of May 4, 1998, it is most unfortunate that you interpreted some remark of mine to demean your character and impugn your integrity. Let me assure you most sincerely that I have the highest regard for your character and integrity, and your commitment to safety, and I never said or intended to say anything at the Quarterly Meeting, or at any other time, that could reasonably be interpreted in the manner in which your letter states.

The only time anything about you personally was said at that meeting on April 30 in Carlsbad was when you yourself personalized the issue of mining safety at WIPP by asking us to rest assured that nothing unsafe would be done at WIPP because of your personal commitment to safety. As I remember, you were not in the room when, towards the end of the day, we started discussing the issue of the safety of the Panel 1 rooms in the WIPP underground. A constructive dialog was in progress between the EEG staff and Mr. Kent Hunter about the need to obtain independent expert opinion about the plan to use the seven rooms of Panel 1 for waste emplacement. I was reporting on the underground visit by the EEG consultant Dr. Hamid Maleki and me on April 15 and how cooperative the DOE and the Westinghouse staff were in providing the geotechnical data to us and in answering our questions. Then I proceeded to repeat our concerns that we have expressed since at least 1994 about the use of Panel 1. I was telling the group that while the data are being analyzed by Dr. Maleki, I was concerned because of the visual appearance of the roof in all the rooms of Panel 1, and particularly in the rooms 4, 5, and 6, where in spite of a large number of rock bolts, the roof is severely fractured.

You entered the meeting at this point, and after hearing the discussion for only a minute or two, started talking about your personal commitment to safety and how no additional outside review is needed because you would not allow anything unsafe to occur. One of the participants at the meeting asked you if you were saying "trust us" as a response to the EEG questions, and you



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reacted by questioning this individual's qualification by saying, "Are you a mining engineer?". I then said that I have full faith in your commitment to safety, but it is our responsibility to raise questions about the safety issues and these should be handled through technical discussion, rather than assurances of personal commitments to safety. I then said that in major projects of high public visibility, it is likely that the staff opinion may become subservient to the announced schedule and that the best insurance against that possibility is to allow review by competent outside experts. I was speaking in a generic sense, and said nothing about your personal character, integrity, or commitment to safety.

The Panel 1 rooms were excavated during 1986 to 1988 for temporary emplacement of waste in 1988 for "experiments" which could not be justified and were abandoned by the DOE in 1993. After an estimated 700 ton slab of roof fell in the SPDV room 1 on February 4, 1991, the DOE assembled a group of 11 international geotechnical experts, including 7 outsiders, one from the Sandia National Laboratories and two from Westinghouse, in April 1991 to assess the safe life of the rooms in Panel 1. The report of the review panel states:

They (the panel members) concluded that If no additional measures are taken, the rooms in the panel are likely to have a total life from seven to eleven years from the time of excavation using the currently installed roof support system, consisting of rockbolts. They indicated that the rockbolts had some beneficial effects, but agreed that it was not possible to measure their effectiveness. Estimates made by individual panel members of room life extension due to the bolting varied from a few months to several years. (DOE/WIPP 91-023, Executive Summary, page v).

The rooms are at the end of the maximum 11 years life assigned to them by the DOE's geotechnical review panel, and the main method of roof support relies on rockbolts, for which the panel said, "it was not possible to measure their effectiveness".

The 1992 WIPP Land Withdrawal Act required an annual evaluation by the Bureau of Mines as well as quarterly inspection by the Mine Safety and Health Administration (MSHA). In spite of drastic revision of this act in 1996, the revised law (P.L. 104-201) retained these provisions. Your staff's assertion, made at the April 30 Quarterly Meeting, that the inspections by the MSHA are sufficient to assess stability of the waste rooms ignores the fact that MSHA does not evaluate the structural integrity of the excavations. The Congress recognized this fact and required evaluations by the Bureau of Mines and inspections by the MSHA.

The Bureau of Mines evaluated WIPP for three years: 1993, 1994, and 1995. In early 1996, the Bureau was abolished and some of its functions were assigned to other federal agencies. When the DOE made no effort to have the mine evaluated for structural integrity by an outside agency after abolition of the Bureau of Mines, the EEG invited the mining engineer who had evaluated the mine for three years on behalf of the Bureau of Mines to conduct another evaluation in 1996,

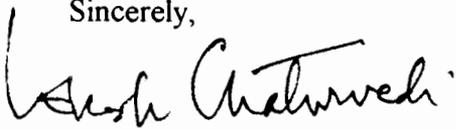
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and has retained him to do so again this year. Your response to our suggestion (made as a part of the EEG review of the Operational Readiness Audit) to get the Bureau of Mines type of evaluation conducted by an outside agency, was to have your attorney make a legal presentation at the April 30th meeting as to why you are legally not required to resolve the EEG concerns!

In summary, Mr. Dials, I believe you are a man of high moral character, integrity, and have a strong commitment to safety. However, the EEG would be delinquent in its duty as the State's oversight group, if we were satisfied about the safety at WIPP based only on our belief in your personal commitment. This is the issue, and it has become even more pertinent since your announcement last week that you are leaving your position as the manager of WIPP at the end of this month. As you know, I wanted to discuss these issues with you and called you three times after receiving your May 4 letter on May 5, but you conveyed to me through your secretary that you did not wish to talk to me. This is most unfortunate considering the friendly and constructive relationship we have had for the past five years since your assuming the position as the WIPP manager. Anyway, I wish you the best of luck in your future endeavors.

As requested by you, I am sending a copy of this letter to each participant of the April 30, 1998 Quarterly Review meeting.

Sincerely,



Lokesh Chaturvedi
Deputy Director

cc: All participants of the 62nd Quarterly Review Meeting.