

October 22, 2002

Editor, Las Vegas Review-Journal

RE: "Official: Keep fighting dump," Las Vegas Review-Journal, October 09, 2002

Several of the statements by Nevada employee Bob Loux that were cited in "Keep fighting the dump" are typical of Nevada's misinformation campaign against the Yucca Mountain Project. Members of the Eagle Alliance, which represents leadership of professional societies, including nuclear medicine and physicians and nuclear engineers and technicians in the U.S. and abroad, believe members of the public and policy makers will make more informed decisions if they are armed with the facts. We intend to publish factual information, statistics, and data in all media in an effort to negate the falsehoods and alarmist statements that have been and continue to be made by the state's leaders, employees, and consultants.

In this spirit, please find attached a press release to that effect.

Sincerely,
Dr. Alan Waltar
President and CEO, Eagle Alliance

The following individuals have signed this letter electronically:

Dr. Denis E. Beller, Technical Staff Member, Los Alamos National Laboratory, 702-895-2023, Henderson NV

Eagle Alliance Challenges Nevada Misinformation Campaign with Facts.

Contact: Alan Waltar 509-315-4565) or Denis Beller (702-895-0423)

On October 9, 2002, the Las Vegas Review-Journal published an article titled “Official: Keep fighting dump.” In this article, they cited testimony by Nevada employee Robert Loux to the Nevada Legislature concerning interactions between the U.S. Department of Energy (DOE) and the State of New Mexico (NM) in relation to the Federal Government’s project to open the Waste Isolation Pilot Plant in Carlsbad. The article in the R-J included the following:

- “Lawmakers were told Tuesday any negotiations with the federal government over a proposed nuclear repository at Yucca Mountain would reduce Nevada's leverage in its fight against the project.”
- “[Bob] Loux told the Nevada Legislature's Committee on High-Level Radioactive Waste the best strategy for Nevada is "to keep an arms-length, adversarial relationship.””
- “Nevada should take note of what happened in New Mexico, where the Energy Department opened its Waste Isolation Pilot Plant in 1999 after years of debate, Loux said.”
- Loux also said “The DOE has either reneged on or ignored every commitment it has made to New Mexico....”
- In addition, because they negotiated for benefits, New Mexico was “unable to sue the agency, he said.”

In contrast to many false statements that have appeared in the press, the "negotiations" referred to between the DOE and NM resulted in many benefits for the state. The DOE has made commitments to New Mexico to help mitigate any impacts that might occur as a result of hosting the WIPP, which started operations in March 1999.

These benefits or “concessions” included the following:

- creation and funding of the Environmental Evaluation Group of New Mexico, initially as an arm of the State Department of Environment;
- construction of a beautiful four-lane divided bypass highway around Santa Fe (the State Capital), as well as several other state highway improvements in other areas of the state;
- agreement for shipments to travel due south on US-285 from Cline's Corners instead of through the intersection of I-25 and I-40 in the heart of Albuquerque, the state’s largest city;
- and smaller-scale benefits, like training of emergency responders.

State programs have already been funded at more than \$325 Million, and many of these programs will continue years into the future (see accompanying table). Nevada could be negotiating for the same kinds of benefits but at a much larger scale because the Yucca Mountain Project, at an estimated cost of more than \$50 billion, will be the largest public works project in the world.

DOE made and kept other commitments--not as easily quantified--as well. These include a commitment by then-Secretary of Energy Hazel O’Leary in 1993 to move the jobs associated

with WIPP to Carlsbad. DOE kept this commitment by closing the WIPP Integration Office in Albuquerque and requiring that DOE's WIPP staff live and work in southern New Mexico. Likewise, the DOE's contractors and the national laboratories (Sandia National Laboratories and Los Alamos National Laboratory) followed suit, both of which now have a Carlsbad presence. Contrary to the conventional wisdom and what Nevada's leaders and propagandists would have the public believe, local residents have filled approximately half of the WIPP jobs.

Carlsbad residents also lobbied for and obtained "field office" status for the Carlsbad operations in 1999-2000, a commitment made and kept by the Clinton Administration's Secretary of Energy Bill Richardson.

Other benefits continue to be realized in the State of New Mexico today. There is a large Federal facility in Carlsbad, a large highway construction budget (e.g. for the construction of a bypass around Roswell), and the Waste and Environment Research Consortium program at the New Mexico State University (similar to the UNLV Transmutation Research Program that is funded through DOE's Office of Nuclear Energy, Science and Technology). New Mexico's economy is stronger because of the WIPP, and its citizens have felt no adverse health impacts from the transportation and disposition of radioactive waste there, and most likely never will.

In addition to misleading the legislature about the status of benefits to New Mexico, Mr. Loux's testimony to the Nevada Legislature regarding New Mexico's ability to sue the DOE is a repetition of a false claim that has been made since at least 1985. New Mexico's negotiating for benefits did not stop the State from suing the Federal Government. In 1991, the Attorney General of New Mexico sued over two separate issues: that the Federal Land Planning and Management Act (FLPMA) did not give the Bureau of Land Management (BLM) the authority to transfer the land for the WIPP to the DOE; and that the WIPP violated the 1984 Hazardous and Solid Waste Amendment to RCRA. The courts ruled for New Mexico on the land transfer question (in fact FLPMA **did not** give BLM the requisite authority) and against New Mexico on the RCRA question (WIPP was "grand fathered" under HSWA and allowed to continue construction). The land transfer question was settled by the U.S. Congress, which passed the WIPP Land Withdrawal Act in 1992, transferring the land to the DOE. The State of New Mexico today retains oversight of the Part B RCRA Permit for WIPP and of waste characterization.

For Nevada's employees and representatives to advise the state against negotiating for billions of dollars per year in benefits that were once available to Nevada is one thing. To do so by making false and inflammatory statements is quite another. Therefore, the Eagle Alliance intends to challenge with facts and evidence all false, misleading, alarmist, or inflammatory information contained in future press releases, statements, and/or articles about the geologic disposal of radioactive waste, the safe transportation of used nuclear fuel, and the biological effects of radiation.

WIPP Funding Commitments And Delivery To The State Of New Mexico
(various sources, information updated August 27, 2002)

DOE Commitments	Federal Delivery	Date, Purpose	Driver & Other Notes
\$57,900,000	\$54,400,000	FY83-87, Road improvement funds provided by USDOT	Supplemental Stipulated Agreement
	\$43,000,000	FY93, Road improvements	
	\$8,200,000	FY98-99, Santa Fe relief route (4-lane highway)	
\$20,000,000 <i>(per year for 15 years)</i>	\$143,585,000 <i>(first 6 years)</i>	FY96-02, Impact Assistance	Mandated by Land Withdrawal Act (LWA) of 1992. Payments started in FY96, then were delayed (in 1998?) because NM insisted the M&O post a cleanup bond and Sec. Richardson withheld the payment(s) until Congress resolved the issue by exempting the WIPP.
<i>No specific \$ commitment; see note, col. 4</i>	\$6,431,000	FY88-01, Emergency response	LWA of 1992 mandates DOE provide technical assistance, funds, equipment, in-kind, financial, technical, and other assistance.
<i>No specific \$ commitment; see note, col. 4</i>	\$29,410,000	FY78-01, Independent environmental watchdog group for New Mexico--NM Environmental Evaluation Group (EEG)	EEG was established in 1978 as a contract with DOE; later lawsuit by NM Atty Gen Bingaman settled in early 80s with Supplemental Stipulated Agreement committed DOE to independent oversight through WIPP D&D. 9/29/88: Defense Appropriations Bill, PL 100-456, reaffirms EEG, Sec. 1433, Review of WIPP . . .
	\$3,700,000	FY99-01, NM Environment Department WIPP oversight	
\$1,500,000	\$1,500,000	Development of Technology Training Center	Carlsbad initiative
\$1,945,000	\$1,945,000	Development of Advanced Manufacturing & Innovative Training Center	Carlsbad initiative
\$33,000,000	\$32,900,000	FY90-03, Carlsbad Environmental Monitoring & Research Center at NMSU.	\$3,148,000 anticipated in FY03. This project was a joint Carlsbad/NMSU initiative.
\$300,000	\$500,000	~1999, Strengths, Weaknesses, Opportunities, Threats study for Eddy County.	DOE Office of Worker Transition, 3161 funds
\$250,000	\$250,000	~1997-9, Geographical Information System for Eddy County.	
	<u>\$325,821,000</u>	Total direct benefits delivered to NM	

WIPP

Waste Isolation Pilot
Plant

The U.S. Department
of Energy
Carlsbad Field Office
Carlsbad, New Mexico

*Dedicated to the safe and
efficient disposal of our
nation's transuranic
waste*

For further information,
visit the WIPP Home
Page at :
www.wipp.ws
or call:
1-800-336-WIPP

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WIPP is good for New Mexico's economy ...



- Over 800 high-tech jobs at WIPP, with offices in Carlsbad, Hobbs and Santa Fe
- Annual budget of nearly \$200M
- Over \$9M to New Mexico for emergency response training and equipment to date
- Economic impact funding is over \$20M per year, \$167M to date
 - State uses funding for highway improvement
- WIPP spends over 49% of total procurement dollars in New Mexico
- Multiple spin-off organizations and facilities
 - Carlsbad Environmental Monitoring & Research Center: \$33M
 - Advanced Manufacturing and Innovation Training Center: \$1.5M
 - National Border Technology Partnership Program: \$3M
 - Container manufacturer and training program: 100+ employees
 - Training company: 15+ employees
- WIPP project organizations are among the largest contributors to charitable organizations, education, fine arts and civic project in New Mexico
 - Environmental law and research degree program
 - Hazardous Materials Management degree program
 - Regional air service
 - Community development grants
- Construction of new transportation relief routes around the communities of Santa Fe, Roswell and Carlsbad: \$51M to-date
- WIPP's Knowledge Transfer Center has transferred material to 279 organizations in 47 communities throughout New Mexico

WIPP is essential to southeastern New Mexico's economy ...

- 26% More than 1/4 of Carlsbad's workforce is directly or indirectly employed by WIPP
- 33% 1/3 of Carlsbad's wages are directly or indirectly paid by WIPP
- 25% Although WIPP employees make up only 3.4% of Carlsbad's population, they make up 1/4 of the city's college graduates
- 37% WIPP purchases 37% of its total procurement expenditures in southeastern New Mexico