



*[Handwritten signature]*

**TONY ANAYA  
GOVERNOR**

**DENISE D. FOR  
DIRECTOR**

**STATE OF NEW MEXICO**

**ENVIRONMENTAL IMPROVEMENT DIVISION**

P.O. Box 968, Santa Fe, New Mexico 87504-0968  
(505) 984-0020

April 7, 1986

**MEMORANDUM**

TO: Sally Rodgers, Governor's Office  
FROM: Denise D. Fort, EID Director *[Signature]*

This is a draft memo to Governor, charter, executive order, and membership for a WIPP PAC. (EEG came up with most of the names. I've included for discussion but have same ideas.)

Please review and let's discuss when I return. Thanks.

Attachments



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MEMORANDUM

To: Governor Toney Anaya  
From: Denise Fort  
Subject: Proposed Executive Order

I am attaching for your consideration a draft Executive Order creating a Public Advisory Committee on the Waste Isolation Pilot Plant Project. The federal government's construction of this project is likely to continue; however, the State should still exercise a positive influence to enhance the public health and safety.

During our negotiations to provide the continuation of funding for the EID's WIPP review agency, the Environmental Evaluation Group, we impressed upon the federal negotiators the importance of funding a mechanism to inject public opinion and information into both the State and federal decision making processes. After considerable debate, DOE agreed to provide grant monies for a limited effort to be undertaken by the EID. Composed of twelve members of the public, the Advisory Committee will conduct four or five public meetings across the state between now and March 31, 1987 the date upon which federal funding for this purpose will terminate.

We expect the Committee to solicit public views, opinions and recommendations regarding the WIPP project, distill this information and provide several reports containing solid recommendations for use by you and the Radioactive Waste Consultation Task Force in future deliberations and decisions on the WIPP project. I am interested in this sort of mechanism because this is an area where relatively little public interest is seen; partly because the issues have become so technical. A task force should provide us with some indication of whether we're on the right track.

I anticipate that the Public Advisory Committee shall provide us with important information which will aid in our maintaining a forceful and realistic approach to the federal repository now under construction. I will be pleased to discuss the Committee, its role, and related matters as you desire.

Attachment



STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR

SANTA FE

87503

TONEY ANAYA  
GOVERNOR

NOTE  
MUST BE  
DATED

EXECUTIVE ORDER NO.

WHEREAS, the United States Department of Energy is proceeding with the construction near Carlsbad, New Mexico of the Waste Isolation Pilot Plant project, a nuclear waste repository for the permanent disposal of transuranic wastes from the national defense establishment and the temporary storage of a limited amount of high level wastes for experimental purposes; and

WHEREAS, the State of New Mexico and the U.S. Department of Energy have entered into a consultation and cooperation agreement through which the State can be informed about the plans and nature of the project; and

WHEREAS, the State's overriding interest is to protect the health and safety of all its citizens and to assure the maintenance of New Mexico's environment; and

WHEREAS, the State deems it desirable and necessary to continue to provide the most efficient and direct access for public input into the State's review, deliberations and decisions related to the WIPP nuclear waste repository; and

WHEREAS, in conformity with Section 9-1-9 NMSA 1978;

NOW, THEREFORE, I TONEY ANAYA, Governor of the State of New Mexico, by virtue of the authority vested in me and the purposes herein stated, do hereby create the Governor's Policy Advisory Committee on the WIPP Project (hereinafter the "Committee").

The Committee shall consist of twelve members from diverse geographical locations in New Mexico and represent a broad spectrum of backgrounds and experience. Members shall be appointed by, and serve at the pleasure of, the Governor.

The charge of the Committee, in carrying out its activities, shall be to:

1. Conduct meetings around the state to solicit opinions, testimony, and factual data from any citizens who wish to be heard on any topic related to the Waste Isolation Pilot Plant project.

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2. Particular topics to be covered by the meetings will be at the discretion of the Committee, but could include the following: TRUPACT design, Congressional land withdrawal issues, transportation routes, state land acquisition, waste retrievability, geology and hydrology, site suitability and characterization, RH-TRU and high level waste cask design and testing, proposed experimental programs, waste certification and acceptance, environmental monitoring, state on-and-off-site control of shipments, increasing public participation, emergency response, the WIPP mission and other subjects directly related to the WIPP project.
3. The Committee shall analyze the information received at each public meeting and within 120 days of the conclusion of each meeting, shall prepare a summary of the issues raised.
4. The Committee shall make recommendations to the Radioactive Waste Consultation Task Force. As appropriate, the recommendations shall contain minority views of the committee members to assure that a comprehensive summary of the issues is provided.
5. The Committee Chairman shall keep the Radioactive Waste Consultation Task Force Chairman informed of any issues that require the immediate attention of the State agencies reviewing the WIPP project.

This Executive Order shall take effect \_\_\_\_\_, 1986 and shall terminate on March 31, 1988. It supersedes any other previous order, proclamation or directives in conflict with this Executive Order Number \_\_\_\_\_.

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DONE AT THE EXECUTIVE OFFICE  
THIS            DAY OF            . 1986  
WITNESS MY HAND AND THE GREAT  
SEAL OF THE STATE OF NEW  
MEXICO

GOVERNOR

ATTEST:

SECRETARY OF STATE

## WIPP POLICY ADVISORY COMMITTEE

### 1. PURPOSE OF THE COMMITTEE

Pursuant to its duties and powers contained in the Radioactive Materials Act, 74-4A-1 through 74-4A-19NMSA 1978, the Radioactive Waste Consultation Task Force establishes the Policy Advisory Committee on the Waste Isolation Pilot Plant Project whose purpose will be to recommend issues, policies, further research needs, and other items related to the WIPP project. The Committee will make recommendations in reports that will be submitted to the Radioactive Waste Consultation Task Force.

### 2. MEMBERSHIP

The Committee shall consist of twelve members from diverse geographical locations in New Mexico who will represent a broad spectrum of backgrounds and experience. Membership should be selected from the New Mexico academic community, public interest groups, industry, the scientific community and other appropriate sources. No member shall be an employee of the Department of Energy or of a contractor associated with the planning, construction, or operation of the WIPP facility. The Chairperson and members, upon the advice of the Task Force, will be appointed by the Governor and serve at his pleasure. Vacancies shall be filled by the Governor.

### 3. FUNCTION OF THE COMMITTEE

(a) The Committee will conduct public meetings around the state, as budgeting constraints permit.

(b) Particular topics to be covered by the meetings will be at the discretion of the Committee, but a suggested list of areas of concern follows: TRUPACT design, Congressional land withdrawal issues, transportation routes, state land acquisition, waste retrievability, geology and hydrology, site suitability and

characterization, RH-TRU and High Level Waste cask design and testing, proposed experimental programs, waste certification and acceptance, environmental monitoring, state on-and-off-site control of shipments, increasing public participation, emergency response, the WIPP mission and other subjects directly related to the WIPP project.

(c) The Committee may prepare for the meetings by reviewing relevant documentation provided by the Task Force or by members of the public who have indicated a desire to present information at a meeting, and other appropriate sources.

(d) The Committee shall provide public notice 30 days in advance of each meeting by publishing such notice in a newspaper of statewide circulation and in the most widely circulated newspaper in the city where each meeting is to be conducted, and by providing such notice to any individual or group who has indicated an interest in receiving such notice.

(e) The Committee may solicit testimony from persons qualified in an area on which the Committee wishes to hear testimony.

(f) Within 120 days of the conclusion of each meeting, the Committee shall prepare a summary of the issues raised during that meeting and make recommendations to the Task Force. As appropriate, the recommendations should contain minority views of committee members to assure a comprehensive summary of the issues. The reports will be public records and shall be made available on request.

(g) The Committee Chairperson shall keep the Task Force Chairperson informed of any issues that the committee believes requires immediate attention of the State agencies reviewing WIPP.

#### 4. REIMBURSEMENT

Each Committee member shall be reimbursed for mileage and per diem expenses in accord with Section 9-1-9 NMSA 1978 and the State rules and regulations governing such reimbursement.

#### 5. STAFFING

Appropriate staff support for Committee activities shall be provided by the Environmental Evaluation Group of the Environmental Improvement Division.