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OFFICE OF THE GOVERNOR
STATE CAPITOL
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BRUCE KING
GOVERNOR

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April 9, 1992

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing this letter to ask your assistance in passage of land withdrawal legislation for the Waste Isolation Pilot Plant (WIPP) which is located in Southeastern New Mexico. I believe that such legislation is necessary to protect the rights of the state of New Mexico and the health and safety of its citizens.

As you know a transfer of federally-owned land is needed before a test phase at WIPP can begin. This testing will help determine whether WIPP is suitable as a permanent disposal site for certain radioactive wastes. I believe that finding a permanent disposal option for radioactive waste is more important than ever now that the DOE is winding down its nuclear weapons production process.

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I know that the House has several land withdrawal options available and you certainly have the expertise to determine which is likely to produce the best result in the time available for action. Whatever the approach, I believe that certain key issues need to be addressed in the legislation.

First is the issue of the limitation on waste volume during the test phase. I believe the best approach to this issue would be to allow some discretion to the EPA and the state of New Mexico to determine the volume necessary to provide data which will assure the suitability of WIPP as a permanent disposal site. I support language that would set the initial test volume at 0.5 percent of the design capacity and to allow the DOE to request authority for an additional 0.5 to 1 percent from the state or EPA. This would be less cumbersome than a flat restriction of 0.5 percent, which would require further Congressional

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action for additional test volumes, and would give New Mexico an important voice in the decision as to how much testing is necessary.

Second is the issue regarding promulgation of permanent disposal standards as a prerequisite to the test phase. It is important that these standards be in place before any permanent disposal takes place at WIPP. However, requiring final disposal standards prior to the test phase handicaps our ability to probe WIPP's ability to meet health and safety standards which are important to New Mexico's citizens. I would prefer that the land withdrawal legislation provide oversight to the state or EPA to assure that DOE meets criteria we would set to prove retrievability during the test phase.

There are other issues that may arise in your deliberations regarding the land withdrawal and I urge you to consider the rights of the state when considering all of these issues. I feel that New Mexico should be assured of adequate compensation for long term impacts of WIPP and that the state should continue to have oversight authority over the facility.

I hope you will feel free to contact me if you have any question as to the state's position regarding any specific language being considered. Once again, I would appreciate your earliest consideration of this important legislation.

Sincerely,



Bruce King
Bruce King,
Governor

1447 ...
WASHINGTON, D.C. 20540-5100
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IDENTITY ON
APPROPRIATIONS

OPERATING
INSTRUCTIONS
AND RELATED MATTERS

OTHER AND RELATED MATTERS

Congress of the United States

House of Representatives

JOE SKERN
By Debra, New Mexico

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FEBRUARY 1982
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FORM 2
MAY 1982
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FORM 3
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PAGE 01

February 18, 1982

FYI -
Jan / Helen
2/24/82

Admiral James Watkins
Secretary
U.S. Department of Energy
Washington, D.C. 20585

Dear Admiral Watkins:

As you are aware, a critical situation may be developing in Carlsbad, New Mexico regarding the TRUPACT Assembly Facility (TAF). Because of the increased likelihood of further delays created by the recent actions of the District Court and the fact that Congress has yet to enact land withdrawal legislation, it is conceivable that DOE may start scaling back of activity, funding and staffing. It is my hope that any decision along these lines would not affect DOE's willingness to follow through on the proposals it has already received on the maintenance and operation contract.

A decision to close down the operation and to excess the equipment as government surpluses would be quite a blow to Carlsbad as the TRUPACT Facility stands as the most visible spin-off from WIPP. Mayor Bob Ferrast, the Carlsbad Department of Development, and myself have put a great deal of time, effort and resources into encouraging the development of the specialized container industry based on the particular expertise and capabilities relative to TRUPACT. We have just begun to achieve some success, and with the recent announcement that a Carlsbad fabricator will be producing 50,000 containers for Martin-Marietta to help clean up radioactive sludge at Oak Ridge, local fabricators have now produced their sixth specialized waste container.

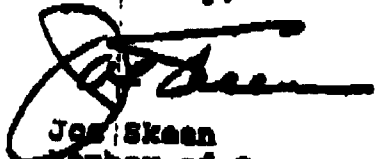
With the acceptance of 15 Trupact-II units by the Nuclear Regulatory Commission, it appears that the mission of this facility is now complete other than fleet maintenance or any needed environmental safety and health or compliance upgrade work. In fact, a Request-For-Proposal (RFP) was issued in August soliciting the interest of potential vendors who would carry out maintenance and operation work at TRUPACT. NUPAC, which currently has a contract with Westinghouse to do TRUPACT related work, has responded to this RFP along with several other companies.

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The TRUPACT facility, equipment and staff represent a unique capability in which Carlsbad has a lot of pride. Also, the reality of the \$5.8 billion restoration program now being pursued by DOE is that there is likely to be a tremendous need for TRUPACTs and other types of specialized containers that could be designed and developed in Carlsbad. In addition, New Mexico State University has expressed a very strong interest in utilizing some of the TRUPACT facility capabilities in relation to the Waste Management Education and Research Program.

Thank you again for this opportunity to comment. Your careful consideration to study every possible option at reutilizing the TAF facility and to provide the appropriate amount of funding to ensure its continued operation is greatly appreciated. I remain committed to this effort and I look forward to your decision.

Sincerely,



Joe Skeen
Member of Congress

JS/sr

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