

*Presentation by Cooper Weyman, DOE/CAO  
at WIPP Quarterly Mtg 4/30/98*

# Who Represents the State for the C&C Agreement?

- Article II of the C&C Agreement defines State to mean “the sovereign State of New Mexico, as represented by the Governor of the State of New Mexico or his duly authorized representative.”
- Article IV provides that the Chairman of the Radioactive Waste Consultation Task Force is the duly authorized representative.



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# EEG is legally authorized to:

- 1) Conduct an independent technical review and evaluation of WIPP (LWA)
  - access to data relating to health, safety or environmental issues at WIPP
  - attend meetings relating to health, safety or environmental issues at WIPP with expert panels and peer review groups
  - evaluate and publish analyses of DOE's activities relating to WIPP

# EEG is legally authorized to:

- 2) Review, evaluate and comment on the environmental, health and safety aspects of WIPP (C&C Agreement)
- 3) Conduct independent reviews and evaluations of the design, construction and operations of WIPP as they relate to the protection of the public health and safety and the environment (PL100-456)

# EEG'S ROLES AND RESPONSIBILITIES

- Both the State of New Mexico and the EEG can conduct independent (of the DOE) evaluations and review of matters of public health and safety and the environment in regards to the WIPP.
- Per the C&C Agreement, DOE need consider and resolve only the State's comments.

# EEG'S ROLES AND RESPONSIBILITIES (2)

- DOE and EEG must consult and cooperate, but there is no requirement for the DOE to resolve any of EEG's comments.

<b>EEG's Recommendation Number 1</b>	<b>Does EEG Have Legal Authority Under the LWA?</b>	<b>Does EEG Have Legal Authority Under Public Law 100-456?</b>	<b>Does EEG Have Legal Authority to Comment? *</b>	<b>Does EEG Have Legal Authority to Recommend and Have Concerns Resolved? **</b>
<b>Access to Inspection Teams</b>	No	Yes, to the extent they relate to the protection of the public health and safety and the environment within the context of the review and evaluation of WIPP's design, construction and operations	Yes, to the extent they relate to the environmental, health and safety aspects of WIPP	No
<b>Access to Meetings</b>	Only meetings with peer review groups and expert panels	Yes, to the extent they relate to the protection of the public health and safety and the environment within the context of the review and evaluation of WIPP's design, construction and operations	Yes, to the extent they relate to the environmental, health and safety aspects of WIPP	No
<b>Access to Contractor Information</b>	Yes (implied)	Yes, to the extent they relate to the protection of the public health and safety and the environment within the context of the review and evaluation of WIPP's design, construction and operations	Yes, to the extent they relate to the environmental, health and safety aspects of WIPP	No
<b>Access to Preliminary Reports</b>	Yes, to the extent they relate to the environmental, health and safety issues of WIPP	Yes, to the extent they relate to the protection of the public health and safety and the environment within the context of the review and evaluation of WIPP's design, construction and operations	Yes, to the extent they relate to the environmental, health and safety aspects of WIPP	No

EEG's Recommendation Number	Does EEG Have Legal Authority Under the LWA?	Does EEG Have Legal Authority Under Public Law 100-456?	Does EEG Have Legal Authority to Comment? *	Does EEG Have Legal Authority to Recommend and Have Concerns Resolved? **
2	YES	YES	YES	No
3	YES	YES	YES	No
4	YES	YES	YES	No
5	YES	YES	YES	No
6	YES	YES	YES	No
7	YES	YES	YES	No
8	YES	YES	YES	No
9	YES	YES	YES	No
10	YES	YES	YES	No
11	YES	YES	YES	No
12	YES	YES	YES	No
13	YES	YES	YES	No

\* Under the C&C Agreement, DOE and the State agreed to cooperate to resolve any State concerns in regards to WIPP. For purposes of the C&C Agreement, the Governor of New Mexico represents the State, and he is allowed to appoint a representative. This is the Chairman of the Radioactive Waste Consultation Task Force, which is the Secretary of the Energy, Minerals, and Natural Resources Department.

\*\* Under the Working Agreement of the C&C Agreement EEG, as the then State's representative for SAR issues, and not as the independent group it now is, could make comments and recommendations on the SAR. However, pursuant to PL100-456, the EEG is limited to reviewing, evaluating and commenting on the environmental, safety and health aspects of WIPP. Moreover, the original contract entered into pursuant to PL100-456 provided that "Other aspects of the WIPP of interest to the State of New Mexico, including policy issues and determinations concerning WIPP" are outside the scope of EEG's contractual authority.