

New Mexico Health and Environment Department



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March 7, 1989

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Re: Docket No. 880801
Docket No. 880801-A

Dear Ms. Laeser and Mr. Mitchell:

This letter follows up my telephone conversation with Ms. Laeser yesterday regarding Ms. Laeser's letter to me dated February 24, 1989. I had intended to speak with Mr. Mitchell about the same matters the same day, but we have not yet connected telephonically. In the February 24th letter, Ms. Laeser expresses views that may or may not be shared equally by both DOE and the University of California, the respondents in the above-captioned matters. As indicated in the telephone conversation if either respondent should see clear enough of any perceived obstacles to continue negotiations towards possible settlement, EID will welcome the opportunity to continue discussions with that party. EID does not perceive a need to settle only with both respondents' signatures on the same document.

EID is currently considering, and will respond fully to the concerns expressed in the February 24th letter, and will respond to those concerns upon due consideration. I will let you know later this week when that will occur. In the interim, Ms. Laeser's letter requests that the principals and legal staff meet next to discuss the expressed concerns. EID regrettably cannot comply with that request at this time, given the extraordinary demands on EID principals during the legislative session. The earliest that EID could consider such a meeting would be the week of March 20th.

If there are to be no settlement discussions in the interim, I

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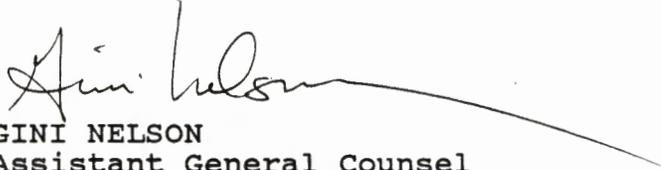
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will proceed with finalizing the procedures for public hearing pursuant to Section 74-4-10 NMSA 1978 (1988 Repl.), with an eye to having them ready to present to the hearing officer for approval by the end of March. I will send you a copy of my next draft for your comments when it is ready.

Sincerely,



GINI NELSON
Assistant General Counsel

GN:vmj

cc: Kirkland Jones, Deputy Director, EID
Boyd Hamilton, Hazardous Waste Program Manager, EID
Michael Brown, EID District II Manager

[ltlsr.lnl]