



GARY E. JOHNSON  
GOVERNOR

**State of New Mexico  
ENVIRONMENT DEPARTMENT**

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PETER MAGGIORE  
SECRETARY

**COPY**

July 8, 2002

Ms. Deborah Reade  
Citizens Against Radioactive Dumping

Ms. Joni Arends  
Concerned Citizens for Nuclear Safety

Ms. Penelope McMullen  
Loretto Community

Ms. Coila Ash  
NM Toxics Coalition

Mr. Geoff Petrie  
Nuclear Watch

Mr. Don Hancock  
Southwest Research and Information Center

Dear Ms. Reade, Ms. Arends, Ms. McMullen, Ms. Ash, Mr. Petrie and Mr. Hancock:

Thank you for your faxed letter dated July 5, 2002 in which you have requested that I postpone the currently scheduled August 26, 2002 public hearing regarding the Waste Isolation Pilot Plant (WIPP) permit modification. This hearing will address the Drum Age Criteria (DAC) Class 3 permit modification. In your letter, you assert that if this public hearing proceeds, a "bad situation will become the worst that it has ever been" and that I have "the power to prevent it".

Be assured that I share your concern that both the New Mexico Environment Department (NMED), and all interested parties be able to participate robustly in all upcoming public hearing processes surrounding the WIPP facility. It is my understanding that the U.S. Department of Energy (DOE) is currently preparing a request to extend the time for it to respond to NMED's Notice of Deficiency (NOD) regarding the proposed Central Confirmation Facility Class 3 permit modification. Since this letter has yet to be received, I cannot confirm the precise length of time the extension will be requested, but I would be surprised if such a request was for a period of time that is shorter than six months.

In addition, I have been advised that the DOE submitted the Class 3 permit modification request focusing on the disposal of remote handled waste on June 28, 2002. The Department anticipates a review process of several months such that overlap with the DAC modification request should not exist.

Given the above observations, coupled with the observation that the DAC permit modification has been available for review for some time (the draft permit was issued on May 13, 2002), I cannot support your request to delay the DAC permit modification hearing. I am confident that the Department will be prepared to proceed in this matter, given the above-noted delays and postponements in other permit modifications.



Ms. Reade, Ms. Arends, Ms. McMullen, Ms. Ash, Mr. Petrie and Mr. Hancock  
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Finally, you indicated that the public meetings held on the permit modifications submitted to the Department by DOE have not been satisfactory to the public. Toward this end, I have received an electronic letter from Ms. Joni Arends expanding on these issues. I would welcome an opportunity to discuss the specific shortcomings you feel these processes have. Once I have acquired this knowledge, I would be willing to visit with the appropriate DOE officials to suggest what improvements can be made to this process.

Thank you again for writing to me about this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Peter Maggiore".

Peter Maggiore  
Cabinet Secretary