

ENTERED



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PETER MAGGIORE
Secretary

January 28, 1999

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Attorney General Madrid
P.O. Box 1508
Santa Fe, N.M. 87504-1508

RE: WIPP Settlement

Dear Ms. Madrid:

We expected to receive a copy of the Department of Energy's (DOE) counterproposal regarding potential settlement of the WIPP lawsuit this morning in expectation of a possible meeting this afternoon. As we write this letter at 2:30 p.m, we have not received anything from DOE or your office. As you are aware, we have expressed serious concerns with DOE's prior proposals including those advanced during yesterday's discussions.

Amongst other problems, DOE's prior proposal fails to provide the State with adequate external environmental regulation or ability to protect human health and the environment at WIPP. We do not believe that DOE's proposal assists the Department's permitting process or provides protections necessary for opening the WIPP facility without a RCRA permit. We are anxious to review DOE's new proposal and would like a reasonable amount of time as necessary for a careful review.

Based upon DOE's prior proposals, we do not believe that settlement of the WIPP lawsuit at this time would adequately serve the environmental interests of the State. Please do not hesitate to call at any time to discuss these important matters.

Sincerely,

Peter Maggiore
Secretary

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