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ENTERED



PETER MAGGIORE
Secretary

January 28, 1999

VIA U.S. MAIL and FACSIMILE (505) 827-5826

Attorney General Madrid
New Mexico Office of the Attorney General
PO Box 1508
Santa Fe, NM 87504-1508

RE: DOE Settlement Proposal of 1/28/99.

Dear Attorney General Madrid:

The New Mexico Environment Department (NMED) received a counter-proposal for settlement from the Department of Energy (DOE) via facsimile beginning at 3:36 p.m. and ending at 3:48 p.m. on January 28, 1999. NMED has completed a preliminary review of this counter-proposal.

NMED concludes, based on this review, that the counter-proposal is less favorable to New Mexico than DOE's original proposal. This Department is very disappointed over the counter-proposal given the amount of effort already invested in settlement discussions. Without going into detail, NMED believes this counter-proposal is not adequate to protect human health, safety or the environment at the Waste Isolation Pilot Plant (WIPP).

NMED wanted to assist you with these preliminary conclusions as soon as possible. My staff conveyed these preliminary conclusions by telephone to Mr. Glenn Smith of your office. I will be available to discuss this matter in more detail at your convenience. In the meantime, I have directed my staff to resume working full-time in preparation for the WIPP permit hearing that is scheduled to begin February 22, 1999.

Sincerely,

Peter Maggiore
Secretary

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