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May 20, 1999

The Honorable Patricia Madrid  
Attorney General of New Mexico  
Office of the Attorney General  
Post Office Drawer 1508  
Santa Fe, New Mexico 87504-1508

Mary Anne Sullivan  
General Counsel  
United States Department of Energy  
1000 Independence Ave., S.W.  
Washington, D.C. 20585-0002

RE: Waste Isolation Pilot Plant

Dear General Madrid and Ms. Sullivan:

The Waste Isolation Pilot Plant ("WIPP") plays a key role in the Department of Energy's ("DOE's) ongoing efforts to clean up the legacy of nuclear weapons production. WIPP is the designated repository for the nation's transuranic and mixed transuranic (i.e., radioactive and hazardous) waste. Many states, including Colorado, are relying on WIPP's disposal capacity as part of the solution to cleaning up their DOE facilities. In Colorado's case, DOE's ability to ship wastes to WIPP in a timely fashion is critical to cleanup and close Rocky Flats by 2006.

As the host state, New Mexico has a strong interest in ensuring WIPP is managed properly and safely. Moreover, New Mexico is, in practical terms, WIPP's only external regulator during the facility's operation phase. I appreciate that New Mexico is taking its regulatory responsibilities seriously.

Under these circumstances, some friction is perhaps inevitable. Certainly, our experience in regulating Rocky Flats has shown that major new regulatory initiatives at large DOE facilities generally encounter some problems in the early going.

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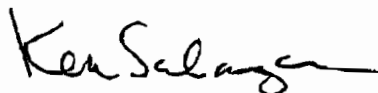
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For those reasons, I would like to offer my assistance in resolving some of the legal difficulties that I understand exist regarding WIPP. I am confident that it is possible to address New Mexico's regulatory concerns while still providing a prompt, efficient process for shipping wastes.

I propose a legal counsel task force among you, this office, and the Attorneys General of Washington and Idaho. The states and DOE used a similar (albeit lengthier) process to successfully implement the mixed waste treatment provisions of the Federal Facility Compliance Act of 1992. Each of us could assign our respective experts to this effort. For the Colorado Attorney General's office, I would assign Alan Gilbert, Assistant Deputy Attorney General, and Dan Miller, First Assistant Attorney General, to work on this effort. Please call me directly to further discuss this proposal, or if you wish, have your staff contact Dan Miller at (303)866-5014 to further discuss this proposal.

I propose that these discussions begin in the next six to eight weeks. I look forward to working with you on this proposal.

Sincerely,



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cc: Jane Norton  
Troy Eid  
John Swartout  
Christine Gregoire  
Alan Lance  
Lynne Ross

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