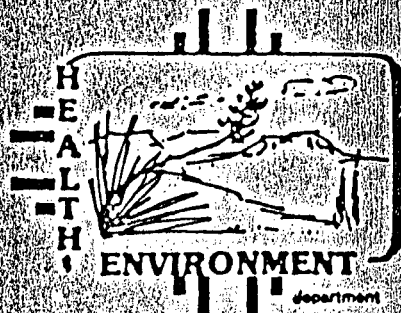




STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION
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STEVEN ASHER, Director

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SECRETARY

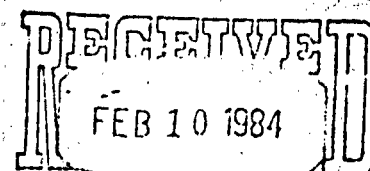
ROBERT L. LOVATO, M.
DEPUTY SECRETARY

JOSEPH F. JOHNSON
DEPUTY SECRETARY

February 9, 1983

HAND DELIVERED

Jim Baca, Commissioner of Public Lands
State of New Mexico
310 Old Santa Fe Trail
Santa Fe, New Mexico 87503



Re: United Nuclear Corporation Land Exchange
with State Land Office

RADIATION PROTECTION BUREAU

Dear Mr. Baca:

As you are aware, my staff has had several meetings with your staff regarding the United Nuclear Corporation land exchange with State trust lands. We recognize the benefit that the exchange appears to provide the State trust. However, in a few short weeks, as we have learned more about this transaction, many new questions on other issues have arisen. We have not been able to fully resolve several serious questions about the impact of this exchange on EID's ability to enforce the State's environmental laws. One of these issues is what effect this transaction will have upon our claim made pursuant to Section 112 of the Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9612). We are also very concerned about the questions and issues raised and discussed in a February 3, 1984 letter from Thomas S. Udall, HED's General Counsel, to Paul Bardacke, Attorney General. A copy of this letter is attached for your information.

Unfortunately, at this time, we are unable to fully assess the impact of this land exchange on our legal mandate to protect the environment. Therefore, we request a delay of the closing (scheduled for February 10, 1984) until we are able to resolve these questions.

We look forward to working with you on this and other issues and trust that they can be resolved in the best interests of the people of the State of New Mexico.

Sincerely yours

Steven Asher
Steven Asher
Director

SA/sl

Attachment