

# Attorney General of New Mexico

ENTERED



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Attorney General

**MANUEL TIJERINA**  
Deputy Attorney General

April 27, 1995

Mr. George E. Dials  
Manager, Carlsbad Area Office  
U.S. Department of Energy  
P. O. Box 3090  
Carlsbad, NM 88221

Dear George:

Your office has distributed the October 1994 WIPP Biennial Environmental Compliance Report ("BECR") and requested a response by April 30, 1995.

We point out that the statement on page 25-23 of the BECR concerning compliance with the state Hazardous Waste Act, namely, that "[t]he WIPP is an interim-status facility," is incorrect. As you are aware, the issue is pending before the U.S. District Court for the District of Columbia. Copies of our briefs on the matter dated April 19, 1993 and June 18, 1993 are enclosed and may be consulted for a fuller discussion of the State's position on the question.

Best regards,

LINDSAY A. LOVEJOY, JR.  
Assistant Attorney General

LAL:mh

Enclosures (2)

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TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: 2

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