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State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
 Harold Runnels Building  
 1190 St. Francis Drive, P.O. Box 26110  
 Santa Fe, New Mexico 87502  
 (505) 827-2844

MARK E. WEIDLER  
 SECRETARY

GARY E. JOHNSON  
 GOVERNOR

EDGAR T. THORNTON, III  
 DEPUTY SECRETARY

TO: Benito Garcia, Chief, HRMB  
 FROM: Tom Duker, Public Records Officer  
 DATE: August 27, 1996  
 SUBJECT: **Public Records Request**

We have received a request from McClougherty, Silver, Downes, Baca & Ellington,  
Attorneys (Santa Fe) asking for information regarding  
Review of the RCRA permit application for WIPP

By New Mexico Law and the Environment Department Policy on Public Record Information Requests we must respond to a requestor of public records within fifteen (15) calendar days from receipt of such a request. Please respond to this request no later than September 10, 1996.

Your response may take several forms:

- a) providing the requested information.
- b) Notifying requestor of a delay. Give reasons and date when information will be available.
- c) Denying the request or part of it. Give what cannot be released and the reason(s). Let requestor know of their right to appeal.
- d) Ask for more information or clarification.
- e) Notifying requestor of any mailing or photocopy charges.

A copy of my initial response to this request is enclosed.

Please send me a copy of any responses you make to this request.



# McClougherty, Silver, Downes, Baca & Ellington, P.C.

Attorneys at Law

Joe L. McClougherty\*\*  
John K. Silver  
Kenneth C. Downes\*\*\*  
Gerald E. Baca  
Kathrin Kinzer-Ellington  
Jana K. Smith  
Pamela Lord Matthews\*

Herman G. Gallegos  
Christopher L. Harlas  
\* Also admitted in Colorado  
\*\* Also admitted in Texas and Colorado  
\*\*\* Also admitted in Washington D.C.

REPLY TO SANTA FE OFFICE

SANTA FE OFFICE  
55 Old Santa Fe Trail  
P.O. Box 8680  
Santa Fe, NM 87504-8680  
(505) 988-8804  
FAX (505) 986-9844

## FACSIMILE COVER SHEET

ALBUQUERQUE OFFICE  
500 Marquette NW  
Suite 640  
Albuquerque, NM 87102  
(505) 243-0816  
FAX (505) 243-0819

LAS VEGAS OFFICE  
614 1/2 Douglas Avenue  
P.O. Box 1389  
Las Vegas, NM 87701  
(505) 425-7277  
FAX (505) 425-0220

**DATE:** August 27, 1996  
**MS&D FILE:** WESTINGHOUSE/RCRA  
**RECIPIENT:** Mr. Tom Duker, Public Records Officer  
**COMPANY:** New Mexico Environment Department  
**FAX NUMBER:** (505) 827-2818  
**SENDER:** Pamela Lord Matthews, Esq.  
**DOCUMENTS:** Letter  
**MESSAGE:** Please deliver to Mr. Duker. Thank you.

ORIGINAL  X  WILL   WILL NOT FOLLOW VIA FIRST CLASS MAIL.

We are sending you a total of  3  pages, including this page. If you do not receive all of the pages, or if you have any problems with the transmission, please call  Cherie  at (505) 988-8804.

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McClougherty, Silver, Downes, Baca & Ellington, P.C.  
Attorneys at Law

Joe L. McClougherty\*\*

John K. Silver

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August 27, 1996

Via Facsimile (505) 827-2818

Mr. Tom Duker  
Public Records Officer  
New Mexico Environment Department  
Harold Runnels Building  
1190 St. Francis Drive  
Santa Fe, New Mexico 87501

Re: Public Records Request

Dear Mr. Duker:

Pursuant to NMSA 1978, § 14-2-1 et seq., I hereby request an opportunity to review the RCRA permit application for the WIPP facility in Carlsbad, New Mexico, and all documents<sup>1</sup> relating to the application.

<sup>1</sup> The term "document" is used in its broadest sense to mean all written or graphic material of every kind and description, whether in draft or final form, typed, handwritten, printed or otherwise, as well as any recording, photograph, photostat, microfilm or any other reproduction, including, without limitation, the following items: correspondence; administrative decisions; data; memoranda; summaries or records of personal conversations; personal or office logs or diaries; field notes; calendars; minutes or records of meetings; opinions of counsel; opinions or reports of consultants; records, reports, summaries or notes of investigations; test results and analytical results (including non-QA/QCed results), records or summaries of negotiations; contracts agreements; computer printouts; permits; licenses; electromagnetic recordings; video recordings, other electronic recordings and transcriptions; drawings; surveys; blueprints; diagrams; journal pages; planning documents; pamphlets; manuals; guidance documents; directives; handbooks; and interpretive rulings.

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GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
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MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

August 27, 1996

Ms. Pamela Lord Matthews  
McClagherty, Silver, Downes, Baca &  
Ellington, P.C.  
P.O. Box 8680  
Santa Fe, NM 87504-8680

Dear Ms. Matthews:

I received your request today regarding the RCRA permit application for the WIPP facility in Carlsbad, New Mexico.

This request has been forwarded directly to Mr. Benito Garcia, Chief of the Hazardous and Radioactive Materials Bureau. He or one of his staff will respond directly to you on this request. If they cannot make the requested information available within three days, they will respond to your request in writing no later than September 10, 1996 as to when the requested information might be available for your review.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas C. Duker".

Thomas C. Duker  
Public Records Officer

cc: Benito, Garcia