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 McLaugherty, 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

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: Pamala Lord Matthews, Esq.

DOCUMENTS: Letter

MESSAGE: Please deliver to Mr. Duker. Thank you.

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.

* The information contained in this facsimile message is attorney-privileged and confidential information, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee/agent responsible for delivery to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and/or return the original message to us at the address shown above via the U.S. postal service.
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 relating to the application.

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 or 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.
Mr. Tom Duker
August 27, 1996
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Thank you very much for your prompt assistance with this request.

Very truly yours,

McCLAUGHERTY, SILVER & DOWNES
A Professional Corporation

By Pamela Lord Matthews

BML/1cj
cc: G. Barnes
August 27, 1996

Ms. Pamela Lord Matthews  
McClagherty, Silver, Dowmes, 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,

Thomas C. Duker  
Public Records Officer

cc: Benito, Garcia