



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
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Santa Fe, New Mexico 87502
(505) 827-1557
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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

October 9, 1997

Mr. Lindsay Lovejoy, Jr.
Attorney General of New Mexico
P.O. Drawer 1508
Santa Fe, New Mexico 87504-1508

Dear Mr. Lovejoy:

On October 1, 1997 you requested that I forward to your office a copy of any correspondence related to WIPP issuing from the Environment Department or received from the Applicants. Although I believe I understand the intent of your request, I must clarify several items which relate to your request.

On August 14, 1997 Ms. Paulette Johnston of your office submitted a memorandum to me requesting several items, including a request to "review your files pertaining to the permit application (correspondence, memos, etc.)." She also stated that "we can further discuss what the copy charges will be, if any." Ms. Johnston visited my office last week and began selecting items from the correspondence files for copying. I assume this activity on her part satisfies your request for past correspondence which has been sent or received by this office.

With regards to current or future correspondence, I am unable to fulfill your request for copies of these documents due to staffing limitations. As you are aware, I am working on matters related to issuance of the draft permit, and would be unable to satisfy requests from all interested parties for copies of correspondence. However, the correspondence files are available for review and copying by any member of the public during business hours. Because Ms. Johnston is already reviewing existing documents, it would be a simple matter for her to request to review the files on a periodic basis and identify any recent correspondence which would satisfy your need to maintain "a complete file in [your] office of the important documents in this matter." In this regard you have my complete cooperation.

Call me at (505) 827-1561 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Zappe".

Steve Zappe
RCRA Permits Management Program
NMED Hazardous and Radioactive Materials Bureau

cc: Susan McMichael, NMED OGC
File: Red WIPP '97

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