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April 3, 1996

Recd LANL AFCO/96
Mr. Earl Lemming
Director
Oversight Division
Department of Energy
Tennessee Department of Environment and Conservation
761 Emory Valley Drive
Oak Ridge, Tennessee 37830-7072

RE: Mixed Low-Level Waste Shipments To Oak Ridge For Treatment

Dear Mr. Lemming:

Los Alamos National Laboratory is proposing to ship low-level mixed waste to your DOE facility for treatment in an attempt to meet the requirements of New Mexico's Site Treatment Plan (STP) as imposed by New Mexico's unilateral compliance order.

As per our discussion, New Mexico will authorize the shipment of the proposed waste by LANL to Oak Ridge only with your concurrence and if there are no outstanding issues which need to be resolved with you prior to shipment. As I understand your position, there is no equity issue to be resolved prior to shipment, if the waste being shipped for treatment is from one DOE facility to another DOE facility and specific criteria developed for addressing treatment residuals are met. New Mexico concurs with the criteria as stipulated in letter dated January 10, 1996 and signed by Larry L. Radcliffe, Director of Waste Management and Technology Development Division, DOE Oak Ridge Operation Office which you hand delivered to Mr. Jim Seubert at the NGA meeting in Washington, D.C. on March 19, 1996.

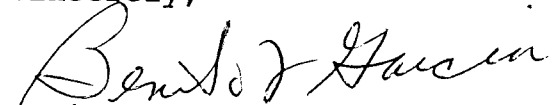
New Mexico will advise DOE/LANL that if commercial disposal of residual wastes is not available that DOE/LANL must amend existing RCRA permits to address the receipt of the residual wastes at LANL for appropriate storage or disposal dependent on characterization results of the residual wastes.



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Thank you in advance for your attention to this matter. Please provide me with your written concurrence or other position as soon as possible in order to proceed appropriately in New Mexico with DOE/LANL's request. I look forward to seeing you at the next NGA meeting or at the least participating on the weekly NGA conference calls.

Sincerely,

A handwritten signature in cursive script, reading "Benito J. Garcia".

Benito J. Garcia
Bureau Chief
Hazardous Radioactive Materials Bureau

BJG/kw

xc: Jim Seubert, WRES-1
Janice Archuleta
Environmental Specialist