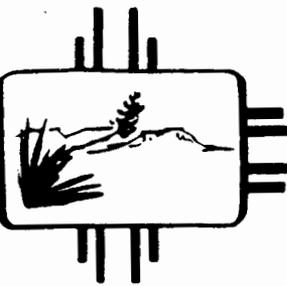


General



New Mexico Health and Environment Department

MARALYN BUDKE
Acting Secretary

CARLA L. MUTH
Deputy Secretary

MICHAEL J. BURKHART
Deputy Secretary

RICHARD MITZELFELT
Director

June 23, 1989

Draft

Karen McIntosh
2 Monte Alto Way
Santa Fe, New Mexico 87505

Dear Ms. McIntosh:

I have received your recent letter concerning the incineration of radioactive waste at Los Alamos National Laboratory.

At this time, the Environmental Improvement Division has scheduled but not begun the development of additional and new regulations to control pollution from the incineration of chemical and radioactive waste. We do currently have requirements for the incineration of chemical waste, but not for radioactive waste.

Under our current regulatory framework, the public hearing scheduled for July 18th regarding the existing Los Alamos transuranic waste controlled-air incinerator will only cover chemical waste and not mixed waste (chemical plus radioactive). I am concerned as you are that with no further approval from this agency, Los Alamos could incinerate mixed waste until either our regulations are written or we ask for, receive, and evaluate their Part B permit application under the Resource Conservation and Recovery Act for mixed waste. Because either alternative will take a considerable amount of time, I have asked my staff to advise me on the possible issuance of an emergency order to suspend the incineration of radioactive waste. I will notify you when a decision has been reached.

Thank you for your concern.

Sincerely,

Richard Mitzelfelt
Director

RM/BB/flm

