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June 8, 1989

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See hearing record at page 50, line 3.

Mr. Harold Valencia
DOE - Albuquerque Operations
Los Alamos Area Office
Los Alamos, NM 87544

RE: Permit Application No. 772

Dear Mr. Valencia:

As you are undoubtedly aware, New Mexico House Bill 59 imposes a moratorium on the operation of incinerators in the state until the Environmental Improvement Board adopts regulations for these sources. Air Quality Control Regulation 702 requires the Division to review permit applications for conformance with all applicable regulations prior to issuing a permit.

Since the Legislature has imposed a moratorium on new incinerators until such regulations have been adopted by the Board, it is inappropriate for the Division to review the proposed incinerator until the regulations have been adopted. Consequently, we are unable to review your 5/1/89 application until such regulations have been adopted and are effective.

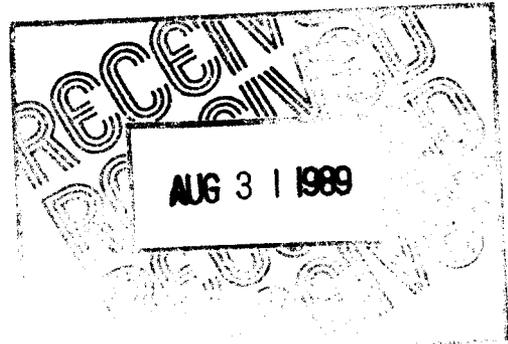
Your permit application will be kept on file and when the regulations are adopted, we will re-open the permit and proceed with the permit process at that time.

If you have any questions, feel free to call either myself, Cubia Clayton or Louis W. Rose.

Sincerely,

Bruce Nicholson

Bruce Nicholson, P.E.
Program Manager
Technical Analysis & Permits Section
Air Quality Bureau



BN/lb

Enclosure



TC