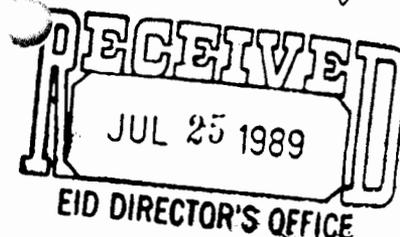


TO: Richard Mitzelfelt
FR: Steve Crout
Congressman Bill Richardson
(202) 225-6190
July 24, 1989

FAX # 202/225-1950



12:40 p.m.

RE: INCINERATOR

O The attached amendment is to be offered to the Department of Defense Authorization bill. It is currently scheduled for action on the House floor today after 4 PM. I would appreciate your reaction. The attached amendment would have the following affect:

The amendment calls for a one-year moratorium on incineration of radioactive waste at LANL unless the state adopts regulations on radioactive emissions at an earlier date.

The amendment only deals with emissions which are dealt with under the Clean Air Act. Under this act states have the authority to develop and enforce emissions regulations that are at least as stringent as federal emissions regulations established by the EPA. LANL currently complies with federal EPA emissions regulations, but the state has none (EID currently plans to develop such regulations). This amendment would allow the state time to develop radioactive emissions regulations. However, if the state fails to develop such regulations within a year, LANL could begin burning. The intent is to give the state a chance to act without holding up the incinerator for an unreasonable amount of time.

This amendment does not deal with RCRA regulations. However, on Thursday the 27th Congressman Luken plans to mark up H.R. 2078, a bill to clarify that mixed waste (including radioactive waste) is to be included under RCRA. This would give states the authority to enforce RCRA regulations with respect to mixed waste. States currently do not have this authority.

TK



8565

7-25-89

MODIFICATION TO THE AMENDMENT
OFFERED BY MR. RICHARDSON OF NEW MEXICO

The amendment as modified is as follows:

Page 350, after line 3, add the following new section:

1 SEC. 3137. MORATORIUM ON INCINERATION OF RADIOACTIVE WASTE AT
2 LOS ALAMOS NATIONAL LABORATORY.

3 The Los Alamos National Laboratory is prohibited from
4 incinerating radioactive waste, including any waste
5 containing radioactive constituents, until the earlier of the
6 following occurs:

7 (1) A period of one year elapses after the date of
8 the enactment of this Act.

9 (2) The State of New Mexico adopts regulations on
10 emissions resulting from the incineration of radioactive
11 waste.