



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

53

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

May 18, 2015

Charles F. McMillan, Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS K499  
Los Alamos, NM 87545

Kimberly Davis Lebak, Manager  
Los Alamos Field Office  
U.S. Department of Energy  
3747 West Jemez Road, MS A316  
Los Alamos, NM 87544

**RE: NMED COMMENTS – RESPONSE TO MARCH 20, 2015 REQUEST FOR INFORMATION, NITRATE SALT WASTE CONTAINER INVENTORY, LOS ALAMOS NATIONAL LABORATORY EPA ID#NM0890010515**

Dear Mr. McMillan and Ms. Davis Lebak:

On March 20, 2015, the New Mexico Environment Department (“NMED”) requested additional information from the Department of Energy (DOE) and Los Alamos National Security, L.L.C. (“LANS”) (collectively, the “Permittees”) concerning the removal of 87 waste containers from the inventory of nitrate-salt bearing waste containers. On April 24, 2015, NMED received a response from the Permittees providing additional information to justify the removal of 86 of the 87 containers in question from the inventory.

NMED has reviewed all documentation provided by the Permittees. Based on review of the information, NMED does not concur with the removal of the remaining 86 containers from the nitrate salt-bearing waste inventory.

NMED does not concur for the following technical reasons:

1. No documentation of interviews with WCRRF operators.
2. For container 68396 – apparent discrepancy between real-time radiography (RTR) video and remediation/repackaging documentation.
3. For container 69230 – use of weight as justification for removal.
4. Use of RSWD codes to determine whether waste was cemented (non-nitrate salt) or uncemented (suspect nitrate salt).

37229



Mr. McMillan and Ms. Davis Lebak  
May 18, 2015  
Page 2

5. Use of IDCs to confirm that waste was cemented and IDCs excluded from documentation provided.
6. Use of TRUCON codes to confirm generator data and TRUCON codes excluded from documentation provided.
7. Apparent discrepancy in information included in AK source document M222.
8. Use of MIN01-CIN designation to identify cemented waste.
9. Apparent discrepancies in how TA-55 operators packaged waste.

NMED will agree to reexamine this decision should the Permittees choose to present additional information at a later date.

The Permittees shall provide an updated nitrate-salt bearing waste container inventory list showing that the 86 containers in question have not been removed from the inventory and are still considered to contain nitrate salts.

If you have any questions regarding this letter, please contact Tim Hall, at (505) 222-9555, or John Kieling at (505) 476-6035.

Sincerely,



Kathryn Roberts  
Director, Resource Protection Division  
New Mexico Environment Department

cc: J. Kendall, NMED OGC  
G. Lauer, NMED OGC  
J. Kieling, NMED HWB  
S. Pullen, NMED HWB  
T. Hall, NMED HWB  
C. Gelles, LAFO  
R. Erickson, LANS  
M. Brandt, LANS  
A. Dorries, LANS  
S. DeRoma, LAFO  
D. Woitte, LANS

File: Reading and LANL 2015 - RCRA Info Request, Nitrate Salt Waste Container Inventory