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RYAN FLYNN
Cabinet Secretary
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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 7, 2014

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: LANL NITRATE SALT BEARING WASTE CONTAINER ISOLATION PLAN
LOS ALAMOS NATIONAL LABORATORY
EPA I.D. NUMBER NM0890010515**

Dear Mr. McMillan and Ms. Davis Lebak:

On July 30, 2014, the New Mexico Environment Department ("NMED") received written notification that the Department of Energy ("DOE") and Los Alamos National Security, LLC ("LANS"; collectively, with DOE the "Permittees") "are provisionally applying EPA Hazardous Waste Number D001 for the characteristic of ignitability to 57 remediated nitrate salt-bearing waste containers and 29 un-remediated nitrate salt-bearing waste containers stored at LANL."

The notification states, "The Permittees are reevaluating the waste characterization information concerning these nitrate salt waste streams. Pending completion of this reevaluation, Permittees are conservatively adding the D001 waste number. Because this reevaluation is ongoing, the application of D001 is considered provisional and may change to include and/or remove containers/waste streams in the future."

NMED is requiring additional information regarding this notification per LANL Permit Section 1.9.7. The Permittees shall address the items enumerated below and submit this information to NMED by September 5, 2014.

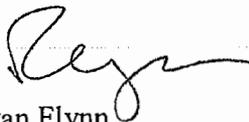
1. The Permittees shall describe the regulatory basis for "provisionally" assigning the EPA Hazardous Waste Number D001. NMED is not aware that this approach is supported by regulations or EPA guidance documents. If there are such provisions, the Permittees shall provide copies of or links to the documents.



2. The Permittees shall thoroughly describe and provide the reasoning and analyses for the speculation that both the remediated and un-remediated waste is an oxidizer and the subsequent assignment of EPA Hazardous Waste Number D001.
3. The Permittees have verbally notified NMED that they have conservatively assigned EPA Hazardous Waste Number D002 to some of the 29 un-remediated nitrate salt-bearing waste containers. The Permittees shall thoroughly describe and provide the reasoning and analyses, including the associated documentation for each container (e.g., real-time radiography videos and batch data reports, visual examination batch data reports, etc.), why the un-remediated waste is corrosive and why the assignment of EPA Hazardous Waste Number D002 is appropriate.
4. The Permittees shall provide a list of the un-remediated nitrate salt-bearing waste containers that have EPA Hazardous Waste Number D002 assigned to them. The list shall include the container ID and the approximate quantity of free liquids in the container.
5. The Permittees shall provide an update on the progress of determining remediation plans and schedules, including the processes and location(s) that will be used to treat the waste to stabilize nitrate salts and remove the characteristics of ignitability (D001) and corrosivity (D002).

If you have any questions or concerns, please contact John Kieling at (505) 476-6035

Sincerely,



Ryan Flynn
Secretary
New Mexico Environment Department

cc: T. Blaine, Director, NMED EHD
J. Kendall, NMED OGC
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