Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

MAY 8 2015

Mr. John E. Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87508-6303

Ms. Kathryn Roberts, Division Director
Resource Protection Division
Harold Runnels Building
1190 Saint Francis Drive, Room 4050
Santa Fe, NM 87502-5469

Subject: Written Notice Regarding Application and Removal of EPA Hazardous Waste Number D001 to Nitrate Salt Bearing Waste Containers

Dear Mr. Kieling and Ms. Roberts:

The purpose of this letter is to provide you written notice that the U. S. Department of Energy, Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP), Permittees of Hazardous Waste Facility Permit NM4890139088-TSDF (Permit), are provisionally applying EPA Hazardous Waste Number (code) D001 for the characteristic of ignitability to 72 additional nitrate salt bearing waste containers that have been disposed at the Waste Isolation Pilot Plant (WIPP) facility. The Permittees are also removing the D001 code from 22 containers that have been determined by Los Alamos National Laboratory (LANL) to not contain unconsolidated nitrate salts. This is a follow-up to the verbal notification provided to you on April 25, 2015, at approximately 11:00 A.M.

The additions apply specifically to three containers (LA00000090872, LA00000090883, and LA00000090931) from LANL waste stream LA-MIN04-S.001 (one located in Panel 6, Room 1, and two located in Panel 6, Room 3) and 69 containers from LANL waste stream LA-MHD01.001 (23 located in Panel 6, Room 2; 39 located in Panel 6, Room 3; six located in Panel 6, Room 4; and one located in Panel 6, Room 5). Enclosure 1 contains a listing, by container number, of the 72 containers to which the D001 code provisionally applies.

The application of this code is based on information provided to the Permittees by LANL resulting from ongoing extent of condition evaluations at LANL, continuing investigations into the cause of the February 14, 2014, radiological release, and the re-evaluation of Acceptable Knowledge (AK) information as required by the WIPP Permit, Attachment C4, *TRU Mixed Waste Characterization using Acceptable Knowledge*, pursuant to 40 CFR 20.4.1.500 (incorporating 40 CFR §264.13). The regulations in 40 CFR §264.13 require the Permittees to ensure that waste characterization information is accurate and up to date. The Permittees have reason to believe that the nitrate salt bearing waste in the containers described above is an oxidizer pursuant to 40 CFR 20.4.1.200 (incorporating 40 CFR §261.21(4)), and, therefore, the D001 code should be applied to the respective containers per the updated AK information.

Because the evaluations and investigations are ongoing, the application of the D001 to these containers is considered provisional and may change to include and/or remove containers and/or waste streams in the future. Subsequent to this written notification, the Permittees will provide an additional supplement to the "Report of Implementation of the WIPP RCRA Contingency Plan" and additional information describing the records that will be updated to reflect the application of the D001 code.

The most recent revised nitrate salt-bearing waste inventory submitted to the NMED by LANL does not include 22 containers from LANL waste stream LA-MIN02-V.001, to which the Permittees had previously provisionally applied the D001 code. On July 30, 2014, the Permittees notified the NMED that they were provisionally applying the D001 code to disposed waste containers from LA-MIN02-V.001 pending further evaluation of the Acceptable Knowledge by LANL. The 22 containers have been disposed in Panel 6, Rooms 1 and 2, and consist of solidified oils which do not contain unconsolidated nitrate salts. The Permittees are removing the D001 code from these 22 containers since LANL has determined that they do not contain unconsolidated nitrate salts. Enclosure 2 contains a listing, by container number, of the 22 containers to which the D001 code no longer applies.

In accordance with Item 17 of the New Mexico Environment Department's (NMED's) written comments on the WIPP Nitrate Salt Bearing Waste Container Isolation Plan, dated August 5, 2014, the Permittees are required to provide updates regarding the identification of other waste streams or drums that have been identified by WIPP, LANL, NMED, or any other regulatory agency as requiring isolation. Pursuant with the August 5, 2014, letter the Permittees will provide the applicable updated information in a separate letter and will include the following: description of the discrepancy, discrepancy resolution, specific location of the currently identified waste containers that have the "provisional" assignment of EPA hazardous waste number D001, and discrepant hazardous waste manifests for the affected waste shipments.

The Permittees are continuing to operate the WIPP underground in filtration mode pursuant to the WIPP Nitrate Salt Bearing Waste Container Isolation Plan partially approved by the NMED on August 7, 2014 and March 30, 2015 so that a release from any nitrate salt bearing waste containers, should it occur, will not pose a threat to human health or the environment. In addition, the Permittees are working to expedite closure of Panel 6 in order to isolate this waste.

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision according to a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

If you have any questions, please contact Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

Original Signatures on File

Jose R. Franco, Manager
Carlsbad Field Office

Robert L. McQuinn, Project Manager
Nuclear Waste Partnership LLC

Enclosures

cc: w/enclosures
R. Maestas, NMED *ED
N. Stone, EPA Region 6 ED
CBFO M&RC
*ED denotes electronic distribution

CBFO:EPD:GTB:MN:15-1475:UFC 5486.00

Enclosure 1: List of Additional Nitrate Salt Bearing Waste Containers Disposed at the WIPP Facility to which D001 is Provisionally Applied

#	Container Number	Waste Stream	Shipment Number	Emplacement Location
1.	LA00000090315	LA-MHD01.001	LA120072	Panel 6, Room 5, Row 35, Column 1, Height B
2.	LA00000090712	LA-MHD01.001	LA130005	Panel 6, Room 3, Row 18, Column 6, Height B
3.	LA00000090715	LA-MHD01.001	LA130004	Panel 6, Room 3, Row 24, Column 6, Height B
4.	LA00000090752	LA-MHD01.001	LA130082	Panel 6, Room 2, Row 13, Column 5, Height B
5.	LA00000090801	LA-MHD01.001	LA120208	Panel 6, Room 4, Row 125, Column 3, Height T
6.	LA00000090814	LA-MHD01.001	LA120209	Panel 6, Room 4, Row 126, Column 2, Height B
7.	LA00000090835	LA-MHD01.001	LA130083	Panel 6, Room 2, Row 12, Column 4, Height B
8.	LA00000090840	LA-MHD01.001	LA120208	Panel 6, Room 4, Row 125, Column 3, Height T
9.	LA00000090845	LA-MHD01.001	LA120208	Panel 6, Room 4, Row 125, Column 3, Height T
10.	LA00000090872*	LA-MIN04-S.001	LA130174	Panel 6, Room 1, Row 50, Column 2, Height M
11.	LA00000090883*	LA-MIN04-S.001	LA130055	Panel 6, Room 3, Row 119, Column 3, Height T
12.	LA00000090931*	LA-MIN04-S.001	LA130055	Panel 6, Room 3, Row 119, Column 3, Height T
13.	LA00000090999	LA-MHD01.001	LA120209	Panel 6, Room 4, Row 126, Column 2, Height T
14.	LA00000091006	LA-MHD01.001	LA120209	Panel 6, Room 4, Row 126, Column 2, Height B
15.	LA00000092124	LA-MHD01.001	LA130072	Panel 6, Room 3, Row 141, Column 1, Height M
16.	LA00000092129	LA-MHD01.001	LA130078	Panel 6, Room 2, Row 18, Column 6, Height B
17.	LA00000092131	LA-MHD01.001	LA130087	Panel 6, Room 2, Row 15, Column 5, Height T
18.	LA00000092139	LA-MHD01.001	LA130032	Panel 6, Room 3, Row 70, Column 6, Height M
19.	LA00000092142	LA-MHD01.001	LA130087	Panel 6, Room 2, Row 15, Column 5, Height T
20.	LA00000092144	LA-MHD01.001	LA130062	Panel 6, Room 3, Row 137, Column 1, Height T
21.	LA00000092147	LA-MHD01.001	LA130014	Panel 6, Room 3, Row 32, Column 4, Height B
22.	LA00000092150	LA-MHD01.001	LA130072	Panel 6, Room 3, Row 141, Column 1, Height M
23.	LA00000092154	LA-MHD01.001	LA130031	Panel 6, Room 3, Row 68, Column 6, Height M

#	Container Number	Waste Stream	Shipment Number	Emplacement Location
24.	LA00000092158	LA-MHD01.001	LA130014	Panel 6, Room 3, Row 32, Column 4, Height B
25.	LA00000092160	LA-MHD01.001	LA130082	Panel 6, Room 2, Row 17, Column 1, Height B
26.	LA00000092164	LA-MHD01.001	LA130082	Panel 6, Room 2, Row 17, Column 1, Height B
27.	LA00000092166	LA-MHD01.001	LA130031	Panel 6, Room 3, Row 68, Column 6, Height M
28.	LA00000092169	LA-MHD01.001	LA130087	Panel 6, Room 2, Row 15, Column 5, Height T
29.	LA00000092175	LA-MHD01.001	LA130108	Panel 6, Room 2, Row 58, Column 4, Height T
30.	LA00000092181	LA-MHD01.001	LA130031	Panel 6, Room 3, Row 68, Column 6, Height M
31.	LA00000092183	LA-MHD01.001	LA130050	Panel 6, Room 3, Row 115, Column 1, Height B
32.	LA00000092184	LA-MHD01.001	LA130092	Panel 6, Room 2, Row 28, Column 2, Height B
33.	LA00000092186	LA-MHD01.001	LA130103	Panel 6, Room 2, Row 51, Column 1, Height T
34.	LA00000092188	LA-MHD01.001	LA130047	Panel 6, Room 3, Row 104, Column 2, Height B
35.	LA00000092190	LA-MHD01.001	LA130062	Panel 6, Room 3, Row 130, Column 2, Height M
36.	LA00000092192	LA-MHD01.001	LA130014	Panel 6, Room 3, Row 32, Column 4, Height B
37.	LA00000092195	LA-MHD01.001	LA130105	Panel 6, Room 2, Row 53, Column 1, Height B
38.	LA00000092197	LA-MHD01.001	LA130014	Panel 6, Room 3, Row 32, Column 4 , Height B
39.	LA00000092202	LA-MHD01.001	LA130023	Panel 6, Room 3, Row 49, Column 3, Height B
40.	LA00000092204	LA-MHD01.001	LA130047	Panel 6, Room 3, Row 104, Column 2, Height B
41.	LA00000092206	LA-MHD01.001	LA130081	Panel 6, Room 2, Row 7, Column 3, Height B
42.	LA00000092339	LA-MHD01.001	LA130046	Panel 6, Room 3, Row 105, Column 1, Height M
43.	LA00000092341	LA-MHD01.001	LA130034	Panel 6, Room 3, Row 75, Column 1, Height T
44.	LA00000092343	LA-MHD01.001	LA130025	Panel 6, Room 3, Row 51, Column 3, Height M
45.	LA00000092349	LA-MHD01.001	LA130025	Panel 6, Room 3, Row 51, Column 3, Height M
46.	LA00000092351	LA-MHD01.001	LA130023	Panel 6, Room 3, Row 49, Column 3, Height B
47.	LA00000092355	LA-MHD01.001	LA130031	Panel 6, Room 3, Row 68, Column 6, Height M
48.	LA00000092364	LA-MHD01.001	LA130034	Panel 6, Room 3, Row 75, Column 1, Height T

#	Container Number	Waste Stream	Shipment Number	Emplacement Location
49.	LA00000092376	LA-MHD01.001	LA130034	Panel 6, Room 3, Row 75, Column 3, Height T
50.	LA00000092378	LA-MHD01.001	LA130050	Panel 6, Room 3, Row 115, Column 1, Height B
51.	LA00000092461	LA-MHD01.001	LA130013	Panel 6, Room 3, Row 31, Column 5, Height B
52.	LA00000092463	LA-MHD01.001	LA130034	Panel 6, Room 3, Row 75, Column 3, Height T
53.	LA00000092466	LA-MHD01.001	LA130031	Panel 6, Room 3, Row 68, Column 6, Height M
54.	LA00000092468	LA-MHD01.001	LA130032	Panel 6, Room 3, Row 69, Column 5, Height T
55.	LA00000092476	LA-MHD01.001	LA130040	Panel 6, Room 3, Row 92, Column 4, Height B
56.	LA00000092479	LA-MHD01.001	LA130040	Panel 6, Room 3, Row 90, Column 4, Height T
57.	LA00000092481	LA-MHD01.001	LA130023	Panel 6, Room 3, Row 49, Column 3, Height B
58.	LA00000092484	LA-MHD01.001	LA130046	Panel 6, Room 3, Row 105, Column 1, Height M
59.	LA00000092486	LA-MHD01.001	LA130047	Panel 6, Room 3, Row 104, Column 2, Height B
60.	LA00000092488	LA-MHD01.001	LA130058	Panel 6, Room 3, Row 125, Column 3, Height B
61.	LA00000092492	LA-MHD01.001	LA130050	Panel 6, Room 3, Row 115, Column 1, Height B
62.	LA00000092494	LA-MHD01.001	LA130031	Panel 6, Room 3, Row 67, Column 3, Height M
63.	LA00000092559	LA-MHD01.001	LA130113	Panel 6, Room 2, Row 68, Column 6, Height T
64.	LA00000092561	LA-MHD01.001	LA130103	Panel 6, Room 2, Row 50, Column 2, Height T
65.	LA00000092563	LA-MHD01.001	LA130115	Panel 6, Room 2, Row 68, Column 4, Height B
66.	LA00000092616	LA-MHD01.001	LA130085	Panel 6, Room 2, Row 14, Column 6, Height T
67.	LA00000092618	LA-MHD01.001	LA130094	Panel 6, Room 2, Row 30, Column 6, Height M
68.	LA00000092671	LA-MHD01.001	LA130115	Panel 6, Room 2, Row 68, Column 2, Height B
69.	LA00000092894	LA-MHD01.001	LA130115	Panel 6, Room 2, Row 68, Column 4, Height B
70.	LA00000093153	LA-MHD01.001	LA130113	Panel 6, Room 2, Row 68, Column 6, Height T
71.	LA00000093442	LA-MHD01.001	LA130141	Panel 6, Room 2, Row 106, Column 6, Height T
72.	LA00000093465	LA-MHD01.001	LA130141	Panel 6, Room 2, Row 106, Column 6, Height T

* A Nonconformance Report (NCR) has been written against these containers. Information was provided by LANL after initial waste stream assignment that indicates containers should be assigned to a different waste stream.

Enclosure 2: List of Additional Nitrate Salt Bearing Waste Containers Disposed at the WIPP Facility from which D001 is Being Removed

#	Container Number	Waste Stream	Shipment Number	Emplacement Location
1.	LA00000059301	LA-MIN02-V.001	LA130140	Panel 6, Room 2, Row 104, Column 2, Height T
2.	LA00000059415	LA-MIN02-V.001	LA130157	Panel 6, Room 1, Row 15, Column 3, Height T
3.	LA00000062547	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height M
4.	LA00000062912	LA-MIN02-V.001	LA130133	Panel 6, Room 2, Row 96, Column 2, Height B
5.	LA00000063116	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height M
6.	LA00000063182	LA-MIN02-V.001	LA130132	Panel 6, Room 2, Row 93, Column 5, Height B
7.	LA00000063198	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height M
8.	LA00000063365	LA-MIN02-V.001	LA130133	Panel 6, Room 2, Row 96, Column 2, Height B
9.	LA00000063401	LA-MIN02-V.001	LA130136	Panel 6, Room 2, Row 97, Column 3, Height M
10.	LA00000063497	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height M
11.	LA00000064627	LA-MIN02-V.001	LA130132	Panel 6, Room 2, Row 93, Column 5, Height M
12.	LA00000064665	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height B
13.	LA00000064863	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height B
14.	LA00000066376	LA-MIN02-V.001	LA130132	Panel 6, Room 2, Row 93, Column 5, Height B
15.	LA00000066866	LA-MIN02-V.001	LA130137	Panel 6, Room 2, Row 98, Column 4, Height T
16.	LA00000082952	LA-MIN02-V.001	LA130172	Panel 6, Room 1, Row 40, Column 6, Height T
17.	LA00000090270	LA-MIN02-V.001	LA130163	Panel 6, Room 1, Row 31, Column 5, Height M
18.	LA00000092284	LA-MIN02-V.001	LA130163	Panel 6, Room 1, Row 31, Column 5, Height B
19.	LA00000092285	LA-MIN02-V.001	LA130163	Panel 6, Room 1, Row 31, Column 5, Height B
20.	LA00000092286	LA-MIN02-V.001	LA130163	Panel 6, Room 1, Row 31, Column 5, Height M
21.	LAS822714	LA-MIN02-V.001	IN130186	Panel 6, Room 2, Row 92, Column 2, Height B
22.	LAS835380	LA-MIN02-V.001	LA130167	Panel 6, Room 1, Row 35, Column 5, Height T