



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

JUL 30 2014

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

Mr. Tom Blaine, Division Director
Environmental Health Division
Harold Runnels Building
1190 Saint Francis Drive, Room 4050
Santa Fe, NM 87502-5469

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

Dear Mr. Kieling and Mr. Blaine:

The purpose of this letter is to provide you written notice that the 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 some nitrate salt bearing waste containers that have been disposed at the WIPP facility. This is a follow-up to the verbal notification provided to you on Friday, July 25, 2014, at approximately 4:00 P.M. This affects up to 368 containers from Los Alamos National Laboratory waste stream LA MIN.02-V.001 that have been disposed in Panel 7, Room 7 and Panel 6, Rooms 1 and 2 in the underground WIPP facility (Panel 6, Room 1 (222 containers); Panel 6, Room 2 (91 containers); and Panel 7, Room 7 (55 containers)). This includes the container (drum number LA00000068660) that the Permittees notified New Mexico Environment Department (NMED) on July 7, 2014, of the decision to add D001 to that container.

The application of this code is based on 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 and therefore the D001 code should be applied to the respective containers per the updated AK information.

Because the investigations are ongoing, the application of the D001 is considered provisional and may change to include and/or remove containers/waste streams in the future. Subsequent to this written notification, we 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 Permittees plan to implement the Nitrate Bearing Salt Container Isolation Plan, submitted to the NMED on May 30, 2014, to expedite closure of Panel 6 and Panel 7, Room 7 so that a potential release from any nitrate salt bearing waste containers in Panel 6 and Panel 7, Room 7 will not pose a threat to human health or the environment.

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or

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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

Jo e R. Fra co, Manager
Carlsbad Field Office

Robert L. McQuinn, Project Manager
Nuclear Waste Partnership LLC

Enclosure

cc:

T. Kliphuis, NMED *ED
J. Sales, EPA ED
CBFO M&RC

*ED denotes electronic distribution