



July 29, 2025

VIA EMAIL

Theodore Wyka, Manager
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Steven A. Coleman, Associate Director
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**Re: Temporary Authorization Request
LA-UR-25-21806**

Dear Theodore Wyka and Steven A. Coleman,

This letter is sent in reply to your July 9, 2025 response to New Mexico Environment Department ("NMED" or "Department") Secretary James Kenney's June 9, 2025 letter regarding the Temporary Authorization ("TA") Request that the United States Department of Energy ("DOE"), the National Nuclear Security Administration Los Alamos Field Office ("NNSA") and Triad National Security, LLC ("Triad"), (collectively referred to as the "Permittees") submitted, and NMED received on April 4, 2025. Your July 9, 2025 response included an "Enclosure, Invocation of Dispute Resolution for Request for Waste Treatment, Storage, and Repacking Temporary Authorization". References herein to the July 9, 2025 response will include the enclosure.

In the July 9, 2025 response, you stated you were invoking dispute resolution in accordance with the Parts 1-11, Section 1.14 of the 2010 LANL Hazardous Waste Permit that NMED issued to the U.S. Department of Energy ("DOE") for operations at the Los Alamos National Laboratory ("LANL") site. Permit Condition 1.14.1 states: "In the event the Permittees disagree, in whole or in part, with a condition or disapproval of any submittal, the Permittees may seek dispute resolution...To invoke dispute resolution, the Permittees shall notify the Department in writing within 30 days of receipt of the Department's approval with conditions or disapproval of a submittal..."

Your invocation of dispute resolution is premature. Pursuant to Permit condition 1.14.1, Permittees' ability to invoke dispute resolution is predicated on "the Department's approval with conditions or disapproval of a submittal". The June 9, 2025 letter did not constitute an "approval with conditions or disapproval of" the TA Request. As spelled out in the June 9, 2025 letter, before NMED can determine whether to approve the TA Request, Permittees must provide additional information and perform actions that are prerequisites to any consideration of the TA Request. Since NMED has neither approved with conditions nor disapproved the TA Request, and additional information from and actions by Permittees are required before NMED will proceed with consideration of the TA Request, Permittees cannot invoke dispute resolution under the Permit.

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We understand that the Permittees plan to provide additional information and perform requisite actions to satisfy the four conditions in the June 9, 2025 letter. Therefore, at this time we will not address the remaining arguments contained in your July 9, 2025 response.

Sincerely,

JohnDavid Nance Digitally signed by JohnDavid
Nance
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JohnDavid Nance, Chief, Hazardous Waste Bureau, NMED

cc: James Kenney, Secretary, NMED
Neelam Dhawan, Permits Program Manager, Hazardous Waste Bureau, NMED
Caitlin Martinez, Environmental Scientist, Hazardous Waste Bureau, NMED
Lisa Chai, Assistant General Counsel, NMED
Zachary Ogaz, General Counsel, NMED
Scott Mason, Regional Administrator, U.S. EPA Region 6
Josett Monette, Cabinet Secretary, New Mexico Department of Indian Affairs
Christopher Moquino, Governor, San Ildefonso Pueblo and Chairman, Eight Northern
Indian Pueblos Council
James Mountain, Chairman, All Pueblo Council of Governors
Elliot Avidan, General Attorney and Acting Chief of Staff, NNSA
John Evans, Supervisory Attorney-Advisor, DOE/EM-LA
Maxine Martin McReynolds, Deputy General Counsel, Triad