

[Handwritten signature]



March 12, 2004

BY FACSIMILE: 505-428-2567
Charles Lundstrum, Division Director
Water and Waste Management
New Mexico Environment Department
Santa Fe, New Mexico 87502

Dear Mr. Lundstrum:

The Department of Energy requests a seven-day extension for submission of its comments on the permit modification requests (PMRs) submitted by DOE and Washington TRU Solutions (Permittees) on January 7 and 9, 2004. The deadline for the Permittees to submit their comments would be March 22, 2004, if the request were granted. The Permittees request this extension because they have been unable to occupy their offices due to the gas well blowout that occurred in Carlsbad on the morning of March 11, 2004.

The Permittees recognize that comments on these PMRs may be received by NMED from other interested parties by today, the end of the statutory comment period. The Permittees have agreed not to request copies of any such comments until after they have submitted their comments to NMED.

The Permittees also agree to place a display ad in the newspapers in which the initial notice of the PMRs was placed. This ad would state that the Permittees requested this extension and that NMED has granted it. The ad would appear on Sunday, March 14, or Monday, March 15.

Should you have any questions on this matter, please contact me at 505-706-0133.

Sincerely,

[Handwritten signature of R. Paul Detwiler]

R. Paul Detwiler
Acting Manager
Carlsbad Field Office

040323



RECEIVED

3/15/2004 2:13 PM

Steve Zappe

From: Jon Goldstein [jon_goldstein@nmenv.state.nm.us]
Sent: Monday, March 15, 2004 11:59 AM
To: Sandra Martin; Chuck Noble; Steve Zappe
Cc: seniorstaff@nmenv.state.nm.us
Subject: FW: Gov. Richardson recruits western governors to fight for safer WIPP shipments



NRC letter
03.15.04.doc

FYI

Jon Goldstein
Communications Director
New Mexico Environment Department
(505) 827-0314



-----Original Message-----

From: Gallegos, Gilbert [mailto:Gilbert.Gallegos@state.nm.us]
Sent: Monday, March 15, 2004 11:48 AM
Subject: Gov. Richardson recruits western governors to fight for safer WIPP shipments

<<NRC letter 03.15.04.doc>>
CONTACT: FOR IMMEDIATE RELEASE:
Anne deLain W. Clark March 15, 2004
WIPP Task Force Coordinator
(505) 476-3224
(505) 476-3220 (FAX)

**Governor Richardson Recruits Western Governors to Demand Double Containment for Transporting Plutonium
Unprecedented Multi-State Accord**

Santa Fe - Governor Bill Richardson has enlisted the support of eight western governors to maintain the safety of WIPP shipments throughout the west.

The eight governors signed a letter to the Nuclear Regulatory Commission, asking the NRC to reconsider its recent decision to change regulations regarding the transportation of plutonium. A weakening of these regulations is scheduled to go into effect in October.

"We believe that the NRC has not adequately addressed our objections, as stated in our letter, to the proposed rule change including concerns related to terrorism, public confidence in shipments and the need for NRC to provide compelling scientific and technical analysis to justify any proposal to



relax these plutonium packaging standards," the Governors wrote in a March 11 letter to Nils J. Diaz, chairman of the NRC.

The current regulation requires that plutonium in excess of 20 curies per package must be double contained, but the change approved by the NRC would eliminate this requirement. Double containment such as that provided by the TRUPACT II, currently used for shipping waste to the Waste Isolation Pilot Plant (WIPP) in southern New Mexico, provides an extra layer of protection against a possible radiation release in the event of a shipping accident.

Governor Richardson is a very strong advocate for WIPP transportation safety, which would be directly affected by this change in regulation. The Radioactive Waste Consultation Task Force, chaired by New Mexico Energy, Minerals and Natural Resources Secretary Joanna Prukop, oversees New Mexico's WIPP Transportation Safety Program.

All waste headed for WIPP, located 26 miles southeast of Carlsbad, is primarily contaminated by plutonium and is currently subject to the double containment requirement that is scheduled to be deleted on October 1, 2004. The governors of Arizona, California, Nevada, Oregon, Utah, Washington, and Wyoming joined New Mexico to object to the relaxation of regulations governing the transportation of plutonium.

In addition to these concerns, the governors argue that key technical comments such as those submitted by the Environmental Evaluation Group (EEG) during the comment period were not considered by the NRC and that the Commission based its decision upon incomplete information.

For more information on WIPP Transportation, visit www.emnrd.state.nm.us <<http://www.emnrd.state.nm.us>> and click on Waste Isolation Project on the menu on the left.

For more information on the Environmental Evaluation Group's technical reasoning for objecting to the deletion of the double containment requirement, Section 71.63(b), from NRC Regulation 10CFR71, Packaging and Transportation of Radioactive Material, please refer to "EEG-89, A Rationale for Maintaining the Double Containment Requirement for Plutonium Shipments," available on EEG's Web site at: www.eeg.org/EEGsite.nsf/EEG89?OpenPage <<http://www.eeg.org/EEGsite.nsf/EEG89?OpenPage>>.

###

Gilbert Gallegos
Deputy Director of Communications
Office of New Mexico Governor Bill Richardson
Phone: (505) 476-2217
Fax: (505) 476-2226
E-MAIL: gilbert.gallegos@state.nm.us



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Tom Mills

Deputy Cabinet Secretary

CONTACT:

Anne deLain W. Clark

WIPP Task Force Coordinator

(505) 476-3224

(505) 476-3220 (FAX)

FOR IMMEDIATE RELEASE:

March 15, 2004

**GOVERNOR RICHARDSON RECRUITS WESTERN GOVERNORS TO DEMAND DOUBLE
CONTAINMENT FOR TRANSPORTING PLUTONIUM
UNPRECEDENTED MULTI-STATE ACCORD**

SANTA FE - Governor Bill Richardson has enlisted the support of eight western governors to maintain the safety of WIPP shipments throughout the west.

The eight governors signed a letter to the Nuclear Regulatory Commission, asking the NRC to reconsider its recent decision to change regulations regarding the transportation of plutonium. A weakening of these regulations is scheduled to go into effect in October.

"We believe that the NRC has not adequately addressed our objections, as stated in our letter, to the proposed rule change including concerns related to terrorism, public confidence in shipments and the need for NRC to provide compelling scientific and technical analysis to justify any proposal to relax these plutonium packaging standards," the Governors wrote in a March 11 letter to Nils J. Diaz, chairman of the NRC.

The current regulation requires that plutonium in excess of 20 curies per package must be double contained, but the change approved by the NRC would eliminate this requirement. Double containment such as that provided by the TRUPACT II, currently

used for shipping waste to the Waste Isolation Pilot Plant (WIPP) in southern New Mexico, provides an extra layer of protection against a possible radiation release in the event of a shipping accident.

Governor Richardson is a very strong advocate for WIPP transportation safety, which would be directly affected by this change in regulation. The Radioactive Waste Consultation Task Force, chaired by New Mexico Energy, Minerals and Natural Resources Secretary Joanna Prukop, oversees New Mexico's WIPP Transportation Safety Program.

All waste headed for WIPP, located 26 miles southeast of Carlsbad, is primarily contaminated by plutonium and is currently subject to the double containment requirement that is scheduled to be deleted on October 1, 2004. The governors of Arizona, California, Nevada, Oregon, Utah, Washington, and Wyoming joined New Mexico to object to the relaxation of regulations governing the transportation of plutonium.

In addition to these concerns, the governors argue that key technical comments such as those submitted by the Environmental Evaluation Group (EEG) during the comment period were not considered by the NRC and that the Commission based its decision upon incomplete information.

For more information on WIPP Transportation, visit www.emnrd.state.nm.us and click on Waste Isolation Project on the menu on the left.

For more information on the Environmental Evaluation Group's technical reasoning for objecting to the deletion of the double containment requirement, Section 71.63(b), from NRC Regulation 10CFR71, Packaging and Transportation of Radioactive Material, please refer to "EEG-89, A Rationale for Maintaining the Double Containment Requirement for Plutonium Shipments," available on EEG's Web site at: www.eeg.org/EEGsite.nsf/EEG89?OpenPage.