Department of Energy
Carlsbad Field Office
P. O. Box 3090
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May 21, 2005

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MAY 2004
NMED Hazardous Waste Bureau

Ron Curry, Secretary
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502-6110

James P. Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 E. Rodeo Park Drive, East, Bldg. 1
Santa Fe, New Mexico 87505-6303

Subject: Request for Temporary Authorization of Permit Modification Request entitled "Container Management Improvements," (January 7, 2004) to Allow the Receipt and Storage of Additional TRUPACT-IIs in the Parking Area Unit

Dear Mr. Bearzi:

Pursuant to 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270.42(e)), the Permittees request a temporary authorization of the provisions of the permit request submitted on January 7, 2004, that would allow additional storage of transuranic mixed waste in TRUPACT-IIs in the Parking Area Unit of the WIPP facility. The permit modification request that the Permittees submitted in January 2004 asked that NMED authorize additional storage of transuranic mixed waste in Type B containers within the Parking Area Unit. *See* Permit Modification Request, *"Container Management Improvements,"* (Jan. 7, 2004). Specific provisions of the Permit Modification Request that address storage capacity in the Parking Area Unit are located in Attachment B, items c.8, i.1, o.4 and q.2.

The activities that would be conducted under this authorization would be the receipt and storage of up to 28 TRUPACT-IIs containing transuranic mixed waste in the Parking Area Unit until 5:00 pm MDT on May 25, 2004. *See* § 270.42(e)(2)(ii). The Permittees are already storing 11 loaded TRUPACT-IIs in the Parking Area Unit; up to six trucks carrying 17 TRUPACT-IIs would arrive at the WIPP facility on May 22 and 23. The Permittees would remove these 17 TRUPACT-IIs from the trailers and place them within the boundaries of the Parking Area Unit. The waste would remain in storage in the TRUPACT-IIs until the Permittees are able to emplace it in the repository. If the Permittees conclude that they will not be able to move enough waste into the repository to reduce the number of TRUPACT-IIs containing transuranic mixed waste to 12 or fewer by 5:00 pm MDT on May 25, 2004, they will contact NMED and submit another request for a temporary authorization for continued storage of the loaded TRUPACT II-s in excess of the current permit limit. Once these six shipments are received, further shipments would be suspended until the Permittees can emplace sufficient waste in the repository so as to reduce the number of TRUPACT-IIs containing transuranic mixed

waste to 12 or fewer. Except for exceeding the permit's limitation on the storage of transuranic mixed waste in Parking Area Unit, the Permittees would comply with all requirements of the permit, thereby ensuring compliance with 40 C.F.R. Part 264.

The temporary authorization is needed because the waste hoist at the WIPP facility failed yesterday and the Permittees have been unable to repair it. We have moved the maximum amount of waste into storage in the Waste Handling Building that is allowed under the permit. In addition to the waste stored within the Waste Handling Building, there are 11 loaded TRUPACT-IIs in storage in the Parking Area Unit. The Permittees believe it is likely that the waste hoist will be back in service by Monday, May 24.

This temporary authorization is needed to prevent disruption of waste management activities at the WIPP facility and elsewhere in the DOE complex. *See* § 270.42(e)(3)(ii)(C). Receipt and storage of these additional TRUPACT-IIs at WIPP would expedite their unloading and return to generator sites once the waste hoist is repaired. In addition, the Permittees also believe that the temporary authorization could be approved pursuant to section 270.42(e)(3)(i), as the storage of additional transuranic mixed waste within the Parking Area Unit would comply with the standards of 40 C.F.R. Part 264 as set forth in the permit modification request they have submitted.

If you have any questions regarding this request for a temporary authorization, please contact Paul Detwiler at 505-706-0133 or Steve Warren at 505-234-7400.

Sincerely,

R. Paul Detwiler, Acting Manager
Carlsbad Field Office
U.S. Department of Energy

Steven D. Warren, General Manager
Washington TRU Solutions, LLC

cc:
R. Curry, NMED
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CBFO:RPD:JGW:04-0437:UFC:5822