



**BILL RICHARDSON**  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
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**RON CURRY**  
SECRETARY

**DERRITH WATCHMAN-MOORE**  
DEPUTY SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

February 28, 2005

Dr. Inés Triay, Acting Manager  
Carlsbad Field Office  
Department of Energy  
P.O. Box 3090  
Carlsbad, New Mexico 88221-3090

Mr. Richard D. Raaz, General Manager  
Washington TRU Solutions LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: EXTENSION OF TIME FOR RESPONSE TO NOTICE OF DEFICIENCY, CLASS 3 PERMIT  
MODIFICATION REQUEST SUBMITTED IN ACCORDANCE WITH PUB. L. 108-137,  
SECTION 311  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Raaz:

On February 24, 2005, NMED received a letter from the Department of Energy's Carlsbad Field Office and Westinghouse TRU Solutions LLC (**the Permittees**) requesting additional time to respond to a Notice of Deficiency (**NOD**) issued by NMED on December 30, 2004. The NOD identified the information necessary for NMED to consider preparation of a draft permit for the Class 3 permit modification request submitted in accordance with Public Law 108-137, Section 311. The extension request identified the desire to combine both contact-handled and remote-handled transuranic wastes into a single Waste Analysis Plan and include it in the response to the NOD as justification for seeking an additional 30 days to respond to NMED.

NMED hereby approves a 30-day extension to the response timeframe and expects a response to the NOD by March 30, 2005. The Permittees may continue to meet informally with NMED to seek clarification of any aspect of the NOD prior to developing a response.

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If you have any questions regarding this matter, please contact me at (505) 428-2512 or Steve Zappe of my staff at (505) 428-2517.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: Marcy Leavitt, NMED WWMD  
John Kieling, NMED HWB  
Steve Zappe, NMED HWB  
Ashley Schannauer, NMED OGC  
Betsy Forinash, EPA ORIA  
Laurie King, EPA Region 6  
Connie Walker, Trinity Engineering Associates  
File: Red WIPP '05