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November 1, 2012  
For Immediate Release

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**NEW MEXICO ENVIRONMENT DEPARTMENT ISSUES  
MODIFICATION TO WASTE ISOLATION PILOT PLANT PERMIT**

Santa Fe - On November 1, 2012, the New Mexico Environment Department (NMED) took final administrative action on a Class 2 permit modification request (PMR) to the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit by approving the modification with changes. The Department of Energy Carlsbad Field Office and Nuclear Waste Partnership LLC formerly Washington TRU Solutions LLC (the Permittees) submitted this PMR to the NMED Hazardous Waste Bureau on July 5, 2012 seeking to add the shielded container as a shipping package, add descriptions of how the volume of RH TRU mixed waste which is disposed in shielded containers will be tracked and related changes to waste handling descriptions.

NMED did an extensive review of the comments submitted during the 60 day public comment period, which began July 12, 2012 and ended September 10, 2012, and ultimately determined the majority of concerns expressed in these comments are outside of NMED's regulatory authority. The waste that is emplaced at WIPP contains both radioactive and hazardous components and is therefore referred to as mixed waste. As a result, mixed wastes are regulated by both the Resource Conservation and Recovery Act (RCRA) and the Atomic Energy Act (AEA). NMED has regulatory authority over the chemical components of the waste at WIPP through RCRA. The United States Environmental Protection Agency (EPA) regulates the radioactive components. EPA approved the use of shielded containers on August 8, 2011 and found that DOE had fulfilled all documentation requirements set forth by the Agency and had demonstrated that use of shielded containers in the repository would not affect facility compliance with either 40 CFR 191 or 40 CFR 194.



The NMED WIPP group mission is to protect human health and the environment by providing high quality and responsive regulatory oversight and technical guidance to the WIPP facility and to ensure compliance with applicable federal and state regulations ultimately achieving the safe disposal of transuranic mixed waste. NMED is dedicated to applying the regulations in a fair, rigorous and consistent manner while facing many inherent challenges. Input from the public that falls within the scope of its authority is welcome and valued. NMED firmly believes public input plays an important role and assists in accomplishing its mission and considers all comments received. However, NMED decisions are restricted to issues over which NMED has regulatory authority.

The final permit and the response to comments can be found at:

<http://www.nmenv.state.nm.us/wipp/>.

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