



State of New Mexico
ENVIRONMENT DEPARTMENT



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RYAN FLYNN
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 14, 2014

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Robert L. McQuinn, Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

RE: REQUEST FOR ADDITIONAL EXTENSION OF THE WASTE HANDLING BUILDING STORAGE TIME AT THE WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Reference: EPA Region 6 Memorandum from Wren Stenger to Jose R. Franco, dated May 29, 2014, Subject, "The United States Environmental Protection Agency (EPA) Region 6 Approval of Additional Extension of Storage Time for Polychlorinated Biphenyls (PCBs) at the Waste Isolation Plant (WIPP) Located at Carlsbad, New Mexico (EPA I.D. No. NM4890139088)"

Reference: New Mexico Environment correspondence from Ryan Flynn to Jose Franco and Robert L. McQuinn, dated May 16, 2014, subject: Request for Additional Extension of Storage Time, Waste Isolation Pilot Plant EPA I.D. NM4890139088

Dear Messrs. Franco and McQuinn:

The New Mexico Environment Department ("NMED") has received a request, dated July 3, 2014, from the Department of Energy ("DOE") and Nuclear Waste Partnership, LLC ("NWP", collectively the "Permittees") concerning an additional extension of storage time for TRU mixed waste in the Waste Handling Building ("WHB"). In accordance with NMED's Administrative Order ("Order") dated February 27, 2014, the WHB storage time was extended from 60 days to 105 days (Order Section 12(c)). On May 6, 2014, the Permittees submitted a request for an extension of storage time for a total of one year in accordance with Order Section 15. On May



16, 2014, NMED granted the Permittees an additional 60 days for storage in the WHB pending the outcome of the release investigation. This second extension expires on July 15, 2014.

On July 3, 2014, NMED received a letter request for additional storage time from the Permittees. The request again asked for a one year extension, citing other instances in which NMED granted one year storage times to other facilities under certain conditions. NMED cannot support a one year extension given the uncertainties that remain, including but not limited to, the cause of the energetic event in Panel 7, Room 7.

Therefore, NMED extends the storage time for TRU mixed waste that is currently stored in the WHB an additional 60 days from the date of this letter. The new storage deadline for all TRU mixed waste, regardless of any former deadlines, in the WHB is September 12, 2014.

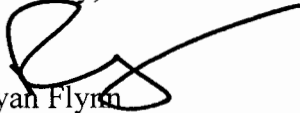
If the TRU mixed waste stored in the WHB cannot be placed in the WIPP underground by the expiration of this deadline, the Permittees shall submit a written proposal to NMED that reevaluates the alternative storage options no later than September 1, 2014. The written proposal shall, at a minimum: address potential impacts to human health and the environment; provide information about alternative storage options, including a thorough analysis of the Permittees' issues with returning waste to generator sites; provide a description of any options or plans for emplacement of the waste in the underground; and, provide a description of current thermography measurements.

NMED believes that the additional 60 day storage time will allow the Permittees to continue their investigations, determine the cause of the release, and provide NMED with documented assurance that the waste stored in the WHB is safe.

In continued support of protecting human health and the environment and until more information is learned from ongoing investigations, NMED again suggests the Permittees consider restricting access to the WHB, limiting personnel to conduct required inspections and other necessary activities.

If you have any questions regarding this matter, please contact Trais Kliphuis at (505) 476-6051.

Sincerely,



Ryan Flynn
Secretary
New Mexico Environment Department

Cc: Tom Blaine, Director NMED EHD
John Kieling, NMED HWB
Trais Kliphuis, NMED HWB
Susan Lucas-Kamat, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
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