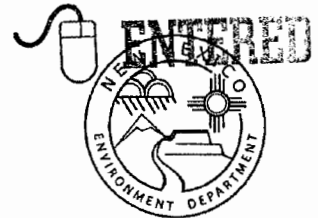




State of New Mexico
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 10, 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**

Dear Messrs. Franco and McQuinn:

On September 2, 2014 the New Mexico Environment Department (“NMED”) received a request, dated August 29, 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 originally 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 expired on July 15, 2014.

On July 3, 2014, NMED received an additional extension request for further storage time from the Permittees. The request asked for an extension until January 2016. On July 14, 2014, NMED granted the Permittees an additional 60 days, citing that NMED could not support the extension requested given the uncertainties that remain, including but not limited to, the cause of the energetic event in Panel 7, Room 7. This third extension for all TRU waste in the WHB, regardless of any former deadlines, expires on September 12, 2014.



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September 10, 2014
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The current August 29, 2014 request for additional storage time again asked for a storage extension until January 2016 and contained information on: potential impacts to human health and the environment; alternative storage options, including a thorough analysis of the Permittees' issues with returning waste to generator sites; waste emplacement in the underground; and thermography measurements in the WHB. At this time, NMED cannot support an extension until January 2016 given the uncertainties that continue to 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 November 9, 2014.

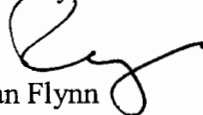
If the TRU mixed waste stored in the WHB cannot be placed in the WIPP underground by the expiration of this deadline, the Permittees shall submit a written proposal to NMED that reevaluates the alternative storage options no later than November 3, 2014. In the extension request, only updated information subsequent to the August 29, 2014 request letter shall be provided, and it shall, at a minimum: address potential impacts to human health and the environment; provide information about alternative storage options, that includes 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 Ricardo Maestas, at (505) 476-6050, or John Kieling, at (505) 476-6035.

Sincerely,



Ryan Flynn
Secretary
New Mexico Environment Department

cc: T. Blaine, Director NMED EHD
J. Kieling, NMED HWB

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R. Maestas, NMED HWB
S. Lucas-Kamat, NMED DOEOB
L. King, EPA Region 6
T. Peake, EPA ORIA
File: Red WIPP '14