



Department of Energy

Carlsbad Field Office
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May 6, 2014

Mr. John E. Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87508-6303

Mr. Tom Blaine, Division Director
Environmental Health Division
Harold Runnels Building
1190 Saint Francis Drive, PO Box 5496
Santa Fe, NM 87502-5469

Subject: Request for Additional Extension of Storage Time at the Waste Isolation Pilot Plant Facility, Hazardous Waste Facility Permit, Number NM4890139088-TSDF

Dear Mr. Kieling and Mr. Blaine:

In accordance with Item 15 of the February 27, 2014, Administrative Order, the Permittees are requesting an extension of storage time for the TRU mixed waste currently stored in the Waste Handling Building (WHB) at the Waste Isolation Pilot Plant (WIPP) facility. The TRU mixed waste in storage originated from 19 shipments. There are limited options for managing the waste stored in the WHB until emplacement operations resume. Three options that the Permittees are currently evaluating include the following:

- Option 1 – Continue to store waste in the WHB at the WIPP facility
- Option 2 – Ship the waste to the Waste Control Specialists (WCS) facility in Andrews, Texas, for temporary storage
- Option 3 – Return the waste to the generator/storage sites

Option 1, continue to store waste in the WHB at the WIPP facility. This option involves retaining the waste in the WHB in its current condition. The Permittees believe that this option is preferred because it minimizes risk to human health and the environment as the waste will not need to be handled, moved, or transported to another location. Normally, the WHB has waste in storage; therefore, the condition represented by retaining the waste is not an unusual waste management practice. The WIPP facility is permitted and secure. Storage area inspections are being conducted weekly as required by the Permit, and surface storage areas have not been adversely affected by the recent fire and radiological incidents at the WIPP facility. The storage limits in the Permit were negotiated at the time the Permit was issued and were based on operational expectations. Longer storage times were requested by the Permittees but were determined at the time to be unnecessary. There are no additional costs associated with this option.

Option 2, shipping the waste to the WCS facility in Andrews, Texas. This option involves removing the waste from the WIPP facility and shipping it to WCS for temporary storage. This option is not an immediately available option at this time. Only a small quantity of the waste (approximately four of the 19 shipments) currently stored in the WHB at the WIPP facility may meet the WCS waste acceptance criteria and qualify for shipment to that facility without further treatment. These four shipments are part of the Los Alamos National Laboratory (LANL) 3,706 m³ waste campaign. WCS has submitted an exemption request to the NRC regarding its radiological license that, if approved, would allow additional waste (approximately an additional eight of the 19 shipments) to qualify for shipment to WCS.

This means that at sometime in the future a total of approximately 12 of 19 shipments stored at the WIPP facility currently could become eligible for shipment to WCS, provided they meet the WCS waste acceptance criteria. However, the remaining waste at the WIPP facility (approximately seven of 19 shipments) has no current or future potential to be eligible for shipment to WCS. It is unlikely that the Nuclear Regulatory Commission (NRC) will finalize its response to the exemption request prior to the May 17, 2014, deadline. There are significant costs associated with this option including storage, handling, and transportation.

Option 3, returning the waste to the generator/shipping sites. This option involves returning the waste to the three generator/storage sites that originally shipped the waste to the WIPP facility. This is also not an immediately available option at this time. Waste stored in the WHB originated from Idaho National Laboratory, LANL, and the Savannah River Site. Due to agreements in place for each site, negotiations will be required with state regulatory agencies and state governments prior to shipping waste back to each generator site or shipping the waste to a single DOE generator/storage site. Shipping waste back to LANL is not being considered. The complexities of these negotiations render it unlikely that arrangements can be made to ship the waste back to the generator/storage sites prior to the May 17, 2014, deadline. There are significant costs associated with this option, including administrative, handling, and transportation costs.

At this time, the Permittees cannot project a date when waste disposal operations will resume at the WIPP facility. The Permittees contend that Option 1, continued waste storage in the WHB at the WIPP facility, is the safest and least costly and, therefore, the most appropriate option at this time. The waste in storage in the WHB at the WIPP facility is being appropriately managed and inspected. The waste is secure and has not been affected by the recent incidents at the WIPP facility. Additionally, this option minimizes the impacts on human health and the environment and is the most cost-effective option. Therefore, the Permittees are requesting a one-year extension of the storage time limit provided in the February 27, 2014, Administrative Order, with an interim evaluation of this storage extension after six months for the CH TRU waste in storage in the WHB at the WIPP facility. The interim evaluation will document the Permittees' continued review of the options available for storage of that waste. One year is proposed because it is anticipated that some waste disposal operations will resume within a year.

The Permittees have determined that there is precedent for a one-year storage time limit. First, it is a common limit established for facilities that are regulated under the Land Disposal Restrictions in accordance with 40 CFR 268.50. For example, the New Mexico Environment Department (NMED) has imposed a one year storage time limit on Los Alamos and Sandia National Laboratories for waste in their permitted container management units. Second, one-year was proposed by the NMED in the Revised Draft Permit issued for the WIPP facility in 1998 indicating the NMED believed the facility was designed and constructed in a manner that would support storage for this long. The storage time was changed to 60-days when the final permit was issued at the request of several stakeholders with the following justification by the NMED: *"The one year time limit for container storage in the Waste Handling Building Unit was an attempt to compromise between the expected flow of waste from receipt to disposal in the underground HWDUs and the need to accumulate derived waste. Permit Condition III.A.1.e. has been modified to reduce the allowable storage time in the WHB Unit from one year to sixty calendar days, with the exception of the Derived Waste Storage Area, where derived waste may be accumulated and stored until the container is full."*

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions, please contact Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

Original Signatures on File

José R. Franco, Manager
Carlsbad Field Office

Robert L. McQuinn, Project Manager
Nuclear Waste Partnership LLC

cc:

T. Kliphuis, NMED
CBFO M&RC

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*ED denotes electronic distribution