



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

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

November 7, 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:

The New Mexico Environment Department (“NMED”) is in receipt of the November 3, 2014 request 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 previously extended from 60 days to 105 days (Order Section 12(c)). The Permittees, in accordance with Order Section 15, have submitted storage time extension requests dated May 6, 2014, July 3, 2014, and August 29, 2014. NMED granted 60-day time extensions correlated with those requests on May 16, 2014, July 14, 2014, and September 10, 2014.

The November 3, 2014 letter requests an extension of storage time until March 30, 2016, based on the WIPP Recovery Plan that was issued on September 30, 2014 and documentation that there are no nitrate salt bearing waste containers located in the WHB. For this reason, NMED will grant a longer extension than previously granted but cannot support an extension until March 30, 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 180 days from the date of this letter. The new storage deadline for all

Messrs. Franco and McQuinn

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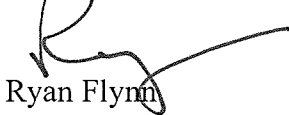
TRU mixed waste in the WHB, regardless of any previous deadlines, is May 6, 2015. NMED believes that the additional 180-day storage time will allow the Permittees to continue their investigations, determine the cause of the release, and provide NMED with additional documented assurance that the waste stored in the WHB is safe.

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 April 22, 2014 (14 days before the deadline). The submittal shall, at a minimum: address potential impacts to human health and the environment; provide information about alternative storage options that include 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.

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
T. Kliphuis, Acting Director NMED RPD
J. Kieling, NMED HWB
R. Maestas, NMED HWB
S. Lucas-Kamat, NMED DOEOB
L. King, EPA Region 6
T. Peake, EPA ORIA
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