



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
AUG 02 2017

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

Subject: Notification of Closure of the Underground Derived Waste Storage Areas

Dear Mr. Kieling:

The *Underground Derived Waste Storage Plan, Revision 1* (Plan), dated January 6, 2015, was prepared by the Permittees in response to NMED's December 2, 2014, letter providing comments on Revision 0 of the Plan, dated June 25, 2014. The Plan was originally prepared in response to Paragraph 17(b) of the May 12, 2014, Administrative Order (Order) issued under authority of the New Mexico Hazardous Waste Act § 74-4-13 from Ryan Flynn to Messrs. Hellstrom, Franco, Cook, and McQuinn.

The Permittees are providing notification that the underground derived waste storage areas designated in the Plan are being closed and the areas are being returned to their previous functions. These designated underground derived waste storage areas are as follows (note that Location 1 was deleted per Revision 1 of the Plan):

- Location 2--E-140 drift between S-2520 and S-2750 drifts
- Location 3--Room 2 of Panel 7

Section 3.3.1.7 of the Plan states that closure of these areas will be conducted in accordance with Permit Attachment G, *Closure Plan*. Furthermore, Paragraph 18(d) of the Order requires the Permittees to report updates on activities performed pursuant to the Plan, including a description of any underground derived waste produced. As documented in the reports submitted to the NMED by the Permittees, Locations 2 and 3 have never been used to store or manage derived waste; therefore, there is no need to perform sampling and analysis, decontamination, or cleaning activities in these areas in order to demonstrate compliance with closure performance standards of 40 CFR §264.111 as required by the *Closure Plan*. As pointed out in the Plan, both areas are within the underground regulated unit and will be subject to panel closure in accordance with the *Closure Plan* when waste disposal in the area is completed. Certification of closure as required by 40 CFR 264.115 will occur at that time.

The closure of the underground derived storage areas does not alter the ability of the Permittees to store derived waste on the surface at the WIPP facility. In accordance with the Order, the Permittees may continue to store derived waste as needed in the Contact Handled (CH) Bay, the Remote Handled (RH) Bay, and Room 108, all of which are located in the Waste Handling Building.

Mr. Kieling

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As described in Part 4.0 of the Plan, the Permittees will post this final notice to the WIPP Information Repository within five (5) working days of submittal to the New Mexico Environment Department.

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision according to a system designed to ensure 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,

Signatures on File

Yodd Shrader, Manager
Carlsbad Field Office

Bruce C. Covert, Project Manager
Nuclear Waste Partnership LLC

cc:

R. Maestas, NMED * ED

D. Biswell, NMED ED

CBFO M&RC

*ED denotes electronic distribution