



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
March 31, 2020

Mr. Kevin Pierard, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Subject: Request for an Extension of Time for Certain Hazardous Waste Facility Permit Required Inspections, Reports, Personnel Training and Recertification Audits due to Coronavirus Disease 2019 (COVID-19) Preventive Measures at the Waste Isolation Pilot Plant Facility, Hazardous Waste Facility Permit Number NM4890139088-TSDF

Dear Mr. Pierard:

The purpose of this letter is to request an extension of time for completion of Hazardous Waste Facility Permit (Permit) required inspections, reports, personnel training, and recertification audits at the Waste Isolation Pilot Plant (WIPP) facility. The WIPP facility is currently operating at reduced throughput levels and with a reduced work force density due to COVID-19 preventive measures described below. While efforts are underway to continue to meet Permit requirements, this request for an extension of time is being made in anticipation of future preventive measures such as a further reduction of staffing. In such a case, timely completion of some Permit requirements may not be possible.

As part of the Department of Energy (DOE) efforts to meet public health emergency orders issued by the State of New Mexico to minimize the spread and impacts of COVID-19, preventive measures have been implemented. These preventive measures include self-quarantine for some employees and the allowing of telecommuting from home for many employees in an effort to promote social distancing. Further measures include additional reductions in workforce density where possible (e.g., staggered shifts) and curtailment of work activities. The guidelines and recommendations issued by the Centers for Disease Control and Prevention (CDC) and the State of New Mexico Department of Health (DOH) are being followed to reduce the risk of virus transmission and impacts to the WIPP facility workforce, their families, and the public.

The WIPP Emergency Operations Center (EOC) continues to operate in monitoring mode, which allows us to quickly address issues as they arise.

The following Permit requirements may be affected by the current and evolving situation:

- 1) Permit Part 2, Section 2.3.2., *Audit and Surveillance Program*, requires; *The Permittees shall not manage, store, or dispose transuranic (TRU) mixed waste at WIPP from a generator/storage site until the following conditions have been met as necessary for the Secretary to determine that the applicable characterization requirements of Permit Section 2.3.1 have been implemented....* Because of reduced staffing levels and because restrictions have been placed on business travel, annual recertification audits of generator sites and associated audit reports may not be completed on schedule.
- 2) Permit Part 2, Section 2.7.3., *Inspection Frequency*, requires that monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment shall be inspected at the frequency specified in Permit Attachment E, *Inspection Schedule, Process and Forms*. Because of reduced staffing levels and due to potential work curtailments at the WIPP facility, some inspections may not be completed on time.
- 3) Permit Part 2, Section 2.8, *Personnel Training*, requires that personnel training be conducted as required by 20.4.1.500 NMAC (incorporating 40 Code of Federal Regulations [CFR] §264.16) and specified in Permit Attachment F (*Facility Personnel Permit Training Program*).

Permit Part 2, Section 2.8.4, *Continuing Training*, specifies continuing training required by the Permit be completed by the end of the month of the anniversary date when the training was previously completed. The preventive measures discussed above may result in a substantially reduced WIPP facility workforce (including trainers and trainees). During the duration that the preventive measures are implemented at the WIPP facility, the training and qualification of some personnel fulfilling Permit positions may lapse.

- 4) Permit Part 1, Section 1.10.1., *Information Submittal*, specifies the Permittees shall submit by certified mail, hand delivery, or electronic transmittal with a subsequent hard copy, all reports, notifications, or other submissions required by the Permit. During the duration that the preventive measures are implemented at the WIPP facility, there may be Permit-required reports that are delayed due to reduced data collection (e.g., ground-water monitoring and sampling) activities. Laboratories used for sample analysis (e.g., WIPP Detection Monitoring Program sample analysis) may not be available due to state or local orders addressing COVID-19. Additionally, there may be a delay in the submittal of paper copies of required reports. The Permittees propose to submit the Permit-required reports (upon finalization) initially by electronic transmittal with subsequent paper copies submitted as the WIPP facility workforce returns to duty.

The Permittees request an extension of time for the Permit-required inspections, reports, sampling/monitoring, and training requirements discussed above. The basis for this request is that certain actions are mandated of employers in response to the COVID-19 disease. The Permittees request this extension of time starting immediately and continuing until staffing levels are returned to normal, in accordance with CDC, State, local, and Federal guidelines. The extension does not reduce the ability of the Permittees to provide continued protection of human health and the environment. This request is being made pursuant to the Permit Part 1, Section 1.10.3., *Extension of Time*.

The Permittees will notify the New Mexico Environment Department (NMED) Hazardous Waste Bureau when the WIPP facility resumes normal operating status. A status of the Permit-required inspections, reports, personnel training, sampling, and monitoring activities and re-certification audits will be included in this notification at this time.

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 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 regarding this notification, please contact Mr. Michael R. Brown at (575) 234-7476.

Sincerely,

Signatures on File

Gregory Sosson
Acting Manager
Carlsbad Field Office

Sean Dunagan
President and Project Manager
Nuclear Waste Partnership LLC

cc:

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