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CABINET SECRETARY

October 14, 2021

Reinhard Knerr, Manager
Department of Energy - Carlsbad Field Office
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Sean Dunagan, President and Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**Re: Approval of Request for 45-Day Extension of Storage Time for
Contact-Handled Transuranic Mixed Waste in Storage in the Waste Handling Building
Waste Isolation Pilot Plant
EPA I.D. Number NM4890139088**

Dear Messrs. Knerr and Dunagan,

On October 13, 2021, the New Mexico Environment Department (NMED) received the Department of Energy's (DOE) and Nuclear Waste Partnership's (NWP) (collectively, the Permittees) Request for a 45-day Extension of Storage Time for Waste in Storage in the Waste Handling Building (WHB) Container Storage Unit (Request). The Request was submitted pursuant to Part 1, Section 1.10.3, *Extension of Time* of the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit) which states:

"The Permittees may seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the Secretary. The request shall state the length of the requested extension and describe the basis for the request. The Secretary will respond in writing to any request for extension following receipt of the request. If the Secretary denies the request for extension, reasons for the denial will be stated."

The Permittees submitted the Request specific to the condition in Permit Part 3, Section 3.1.1.7, *CH TRU Mixed Waste Storage Time Limit*, which states:

"The Permittees shall not store a CH TRU mixed waste container in the WHB Unit for more than 60 calendar days, with the exception of the Derived Waste Storage Area, where derived waste may be accumulated and stored until the container is full."

The Permittees are requesting a 45-day storage time extension for this waste, until November 30, 2021, for the following reason stated in the Request: *"An issue developed in the WHB that is associated with the configuration of waste handling equipment (i.e., airlock doors) such that the Permittees are unable to download waste to the underground at this time. The equipment is important to ensure that an*

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appropriate airflow direction is maintained in order to assure radiological containment in the event of a release.” As a result of this situation, waste assemblies from fourteen shipments are approaching their storage time limits. The Request further states: “It is anticipated that waste disposal operations will resume on October 16, 2021, which would allow waste emplacement of the containers with the earliest storage limit expiration date. However, as a precautionary measure, a storage time limit extension is being requested in case the anticipated resumption of waste disposal operations is delayed. Continued storage of the waste currently stored in the WHB poses no additional hazards to human health or the environment due to the storage time extension.” The Request lists reasons the extended storage time poses no additional hazards to human health and the environment.

NMED hereby grants the Request for an extension of time, starting October 16, 2021 and ending November 30, 2021, to store the listed waste assemblies from the fourteen shipments detailed in the Request. NMED requests to be verbally updated regarding the progress of emplacement once operations have recommenced.

If you have any questions regarding this correspondence, please contact Ricardo Maestas of the Hazardous Waste Bureau at (505) 690-6148.

Sincerely,

Dave Cobrain
for Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

cc: D. Biswell, NMED
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File: WIPP 21'