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**NEW MEXICO
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Jennifer J. Pruett
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 31, 2019

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

Bruce C. Covert, Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

RE: APPROVAL OF REQUEST FOR EXTENSION OF TIME TO PERFORM ANNUAL RECERTIFICATION AUDIT OF THE IDAHO NATIONAL LABORATORY REMOTE-HANDLED/ CENTRAL CHARACTERIZATION PROGRAM WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Messrs. Shrader and Covert:

On July 3, 2019, the New Mexico Environment Department ("NMED") received the Department of Energy's ("DOE") and Nuclear Waste Partnership's ("NWP") (collectively, the "Permittees") July 1, 2019 Request for Extension of Time ("Request") to perform the Annual Recertification Audit for the Idaho National Laboratory Remote-Handled/Central Characterization Program ("INL/CCP RH Program"). The new date for this audit is not known at this time. 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 Attachment C6, Section C6-3, which states:

"Audits will be conducted at least annually for each site involved in the waste characterization program."

The Permittees state in the Request that shipments of RH TRU mixed waste were suspended from INL in 2014 and have not resumed. The Permittees state there are no near-term plans to resume shipments of RH TRU mixed waste from INL for the following reasons: 1) Waste at INL is currently packaged in a way that can only be shipped in removable lid canisters which do not support the packaging of RH waste; and 2) RH waste is not being emplaced in boreholes in Panel 7, the current disposal panel. Because there are no near-term plans to resume shipments of RH TRU mixed waste from INL, the Permittees have suspended the INL/CCP RH program and only limited characterization activities are being performed. The Request also states that, prior to the resumption of shipments of RH waste from INL, the DOE Carlsbad Field Office will conduct a full site-specific audit.

NMED hereby grants the Request for an extension of time to perform the INL/CCP RH program audit. The Permittees have relief from performing the audit until either December 31, 2021 or until waste characterization activities have resumed in anticipation of shipping RH waste from INL, whichever occurs earlier. If the Permittees cannot perform the audit by December 31, 2021, the Permittees will submit a Request for an extension for NMED review by November 30, 2021.

It is understood, and NMED reiterates, that once waste characterization activities for the INL/CCP RH program resume, the Permittees will conduct a full site-specific audit at the host site to evaluate compliance with the Permit, pursuant to Permit Part 2, Section 2.3.2; Attachment C, Section C-5a(3); and Attachment C6. NMED further reiterates, pursuant to Permit Part 2, Section 2.3.2, the Permittees shall not manage, store, or dispose of any new RH TRU mixed waste at WIPP from the INL/CCP RH program until NMED has determined, by reviewing and approving an INL/CCP RH program Final Audit Report, that waste characterization activities are compliant with Permit requirements. The Permittees will notify NMED once the recertification audit has been scheduled pursuant to Permit Part 2, Section 2.3.2.2. NMED further requests that the Permittees submit the formal DOE suspension of the INL/CCP RH program certification for our records.

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If you have any questions regarding this matter, please contact Ricardo Maestas at (505) 476-6050.

Sincerely,



John E. Keiling
Chief
Hazardous Waste Bureau

cc: R. Maestas, NMED
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