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RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

April 22, 2016

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

Philip J. Breidenbach, Project Manager  
Nuclear Waste Partnership, LLC  
P. O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: INFORMATION REQUIRED BY PARAGRAPH 31 OF THE SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER, HWB 14-21 REQUIREMENTS (CO) AND APPROVAL OF REVISED SUBMITTAL DATES IN ACCORDANCE WITH PARAGRAPH 53 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Breidenbach:

On March 22, 2016 the New Mexico Environment Department ("NMED") received the "Information Required by Paragraph 31 of the Settlement Agreement and Stipulated Final Order, HWB 14-21 (CO)" from the U.S. Department of Energy Carlsbad Field Office ("CBFO") and Nuclear Waste Partnership, LLC ("NWP"; collectively "Permittees"). The Permittees were required to submit this information in accordance with Paragraph 31 of the Order. Paragraph 53 of the Order allows the Permittees to request an extension of time for completions dates to corrective actions if needed.

Paragraph 53 of the Order states:

*"The Respondents may seek an extension of time to perform a requirement of this Settlement Agreement, or any attachment or requirement, for good cause, by sending NMED a written request for an extension of time and a proposed revised deadline or schedule. The Respondents will notify NMED within at least 72 hours if the Respondents determine they may not be able to meet a schedule and/or milestone contained in this Settlement Agreement, Attachment A or any document submitted thereto. The request*

*shall state the length of the requested extension and describe the basis for the request. NMED will respond in writing to any request for extension within thirty (30) calendar days following receipt of the request. If NMED denies the request for extension, it will state the reasons for the denial in its written response."*

Attachment A of the Order is a list of corrective actions that the Permittees must complete as part of the Settlement Agreement. Attachment A specifically requires the submittal of eleven work plans for items that could not be completed within 60 days of the effective date of the Order. At the time of submittal, only four of the eleven items were yet to be completed. These items are associated with implementing changes to the training program and modifications to the WIPP Permit. The information received on March 22, 2016 included these four work plans that requested alternate dates and schedules for completion of the remaining corrective actions, as required by Attachment A.

With this letter NMED hereby approves all of the revised *submittal dates* contained in the work plans in accordance with paragraph 53 of the Order. NMED is not approving or providing comment on the revised schedules that were included in the work plans. The four work plans and approved revised submittal dates are:

- Attachment 25: Live Fire Training
  - *June 1, 2016*: Submit training documentation
  - *October 30, 2017*: Submit training documentation for the biennial refresher
- Attachment 26: Live Fire Training Permit Modification
  - *May 6, 2016*: Submit permit modification for training
  - *October 6, 2017*: Submit permit modification for refresher training
- Attachment 36b: Supplemental Ventilation System (SVS) Permit Modification
  - *June 16, 2017*: Submit permit modification for SVS
- Attachment 41: RCRA Contingency Plan (CP) Permit Modification
  - *June 3, 2016*: Submit permit modification for CP

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

Sincerely,



Kathryn Roberts  
Director  
Resource Protection Division

cc: J. Kieling, NMED HWB  
R. Maestas, NMED HWB  
C. Smith, NMED HWB  
S. Lucas-Kamat, NMED DOEOB  
L. King, EPA Region 6  
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File: WIPP '16