NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 Saint Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502
Phone: (505) 827-2855 Fax: (505) 827-2836
www.nmenv.state.nm.us

RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 16, 2014

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

Robert L. McQuinn, Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

RE: REQUEST FOR ADDITIONAL EXTENSION OF STORAGE TIME
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088

Dear Messrs. Franco and McQuinn:

On May 7, 2014, the New Mexico Environment Department (**NMED**) received a written proposal, dated May 6, 2014, for an extension of storage time at the Waste Isolation Pilot Plant (**WIPP**) from the Department of Energy Carlsbad Field Office and Nuclear Waste Partnership LLC (collectively **the Permittees**). The Permittees were required to submit this written proposal in accordance with Item 15 of the February 27, 2014 Administrative Order.

In the proposal, the Permittees requested a one-year extension time limit with an interim evaluation after six months for the TRU mixed waste that is currently stored in the Waste Handling Building (**WHB**) at WIPP. Since the cause of the release is still unknown, moving waste from the WHB would not be in the best interest of ensuring protection of human health and the environment. NMED understands that investigations are ongoing to determine what led to the February 14, 2014 radioactive release, including an analysis of the TRU mixed waste currently stored in the WHB. When more information is obtained, the feasibility of moving waste shall be reviewed.

Therefore, NMED hereby extends the storage time for TRU mixed waste that is currently stored in the WHB an additional 60 days from the date of this letter. The new storage deadline for <u>all</u> TRU mixed waste, regardless of any former deadlines, in the WHB is July 15, 2014, and this

letter hereby modifies the deadlines for storage of TRU mixed waste contained in the February 27, 2014 Administrative Order.

If the TRU mixed waste stored in the WHB cannot be placed in the WIPP underground by the expiration of the July 15, 2014 deadline, the Permittees shall submit a written proposal to NMED that reevaluates the alternative storage options no later than July 3, 2014. The written proposal shall, at a minimum, address potential impacts of alternative storage options on human health and the environment; and, cost effectiveness.

NMED believes that the additional 60 day storage time will allow the Permittees to continue their investigations, determine the cause of the release and provide NMED with needed assurances before determining a path forward for the TRU mixed waste in the WHB.

In continued support of protecting human health and the environment, and until more information is learned from ongoing investigations, NMED suggests the Permittees consider restricting access to the WHB, limiting personnel to conduct required inspections and other necessary activities.

If you have any questions regarding this matter, please contact Trais Kliphuis at (505) 476-6051.

Sincerely,

Ryan Flynn
Secretary
New Mexico Environment Department

cc: Tom Blaine, Director, NMED EHD
John Kieling, NMED HWB
Trais Kliphuis, NMED HWB
Susan Lucas-Kamat, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
File: Red WIPP '14