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**NEW MEXICO ENVIRONMENT DEPARTMENT ISSUES CLASSIFICATION
DETERMINATION FOR WASTE ISOLATION PILOT PLANT PERMIT
MODIFICATION REQUEST**

Santa Fe - On July 2, 2013, the New Mexico Environment Department took final administrative action on how it will classify a permit modification request (PMR) to the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit regarding transuranic (TRU) mixed nuclear waste.

The Environment Department determined the permit modification request submitted by the Department of Energy (DOE) Carlsbad Field Office and Nuclear Waste Partnership on April 9, 2013, will be elevated and categorized as a Class 3 Modification Request, instead of a Class 2 Modification Request as initially requested by the permittee. The permit modification request seeks to once again allow transuranic mixed nuclear waste, which was previously been managed at DOE generator sites as high-level waste, to be shipped to WIPP. Elevating the permit modification request to a Class 3 Modification Request ensures the highest degree of public participation through one or more public hearings to be held by the Environment Department. A future notice will be issued by the Environment Department to announce of the date(s) of the public hearing(s).

PLEASE NOTE: THIS CLASSIFICATION DETERMINATION ONLY PERTAINS TO THE PROCEDURE THAT WILL BE USED TO DETERMINE THE MERITS OF THE PERMIT MODIFICATION REQUEST AND DOES NOT GRANT APPROVAL OR DISAPPROVAL OF THE ACTUAL REQUEST.

Before making this determination, the Environment Department reviewed all of the comments submitted during the Permittee's required 60-day public comment period, which began April 11, 2013 and ended June 10, 2013. Because the Environment Department received a considerable amount of comments both in support and in opposition to the permit modification request, Secretary-Designate Ryan Flynn determined that the issue has generated significant

public interest and that the permit modification request should be subject to the Class 3 process. This determination, authorized by regulation to be made only by the Secretary of the Environment Department, will provide the opportunity for a more extensive review by NMED. This provides additional time for the submittal and consideration of comments by the public.

“Elevating this permit modification to the Class 3 level will ensure the public’s views are carefully considered before a final decision on the modification request is made,” said NMED Secretary-Designate Ryan Flynn. “The Environment Department will ensure the regulatory process is transparent and fair to all of the interested parties, and our ultimate decision on this modification request will be science-based.”

The Permit Modification Request has received widespread media exposure related to reports of one or more “leaking” tanks holding radioactive waste currently on site at the Hanford Nuclear Reservation in Washington State.

NMED’s notification letter can be found at: <http://www.nmenv.state.nm.us/wipp/>

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