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Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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 **ENTERED**



RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 21, 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: WASTE ISOLATION PILOT PLANT, EPA I.D. NUMBER NM4890139088:
NOTIFICATION OF DRAFT PERMIT WITHDRAWAL REGARDING THE
CLASS 3 PERMIT MODIFICATION REQUEST FOR 3 ITEMS: ITEM 1, MODIFICATIONS
TO THE WIPP PANEL CLOSURE; ITEM 2, REPOSITORY RECONFIGURATION OF
PANELS 9 AND 10; ITEM 3, REVISE VOLATILE ORGANIC COMPOUND (VOC)
TARGET ANALYTE LIST AND OTHER CHANGES TO THE VOC MONITORING
PROGRAM**

Dear Messrs. Franco and McQuinn:

The New Mexico Environment Department (NMED) received a Class 3 modification request to the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit on March 18, 2013. The Class 3 modification request included three items: (1) Modifications to the WIPP Panel Closure; (2) Repository Reconfiguration of Panels 9 and 10; and (3) Revise Volatile Organic Compounds (VOC) Target Analyte List and Other Changes to the VOC Monitoring Program.

The draft Permit for the Class 3 modification request was issued by NMED for public comment on February 14, 2014, and was scheduled to conclude on April 15, 2014. In light of the recent

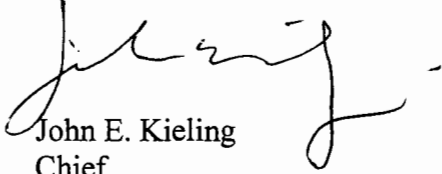
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events at WIPP, including a fire in the underground and the radioactive material release, NMED has requested additional information relating to these incidents and the Class 3 modification request, in accordance with 20.4.1.901(B)(5) NMAC and WIPP Permit Section 1.7.8, that may influence the draft Permit language. And, NMED assuredly will request other additional information as further progress is made at WIPP. Therefore, NMED hereby withdraws the draft Permit effective immediately. Due to the withdrawal of the draft Permit, the current public comment period is now closed. Notice of the withdrawal of the draft Permit will be provided to all interested parties and will be posted in the Carlsbad Current Argus. NMED may issue a revised draft when it is appropriate. In such a case, a revised draft Permit will be issued for public comment and a new public comment period will begin in accordance with the requirements specified in 20.4.1.901 NMAC.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK: TLK

cc: Tom Blaine, Director, NMED EHD
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
Coleman Smith, NMED HWB
Susan Lucas-Kamat, NMED DOEOB
Jeffrey Kendall, NMED General Counsel
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
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