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Cabinet Secretary

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 28, 2017

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

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

**RE: COMMENCING REVIEWS OF FINAL AUDIT REPORTS
WASTE ISOLATION PILOT PLANT
EPA I.D. # NM4890139088**

Dear Messrs. Shrader and Breidenbach:

On December 16, 2014, the New Mexico Environment Department (NMED) notified the Department of Energy's (DOE) Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP, collectively the Permittees) that NMED would be suspending the review of the Idaho National Laboratory (INL)/Central Characterization Program (CCP) Audit A-14-18 and the Los Alamos National Laboratory (LANL)/CCP Audit A-14-19 final audit reports that were submitted to NMED. The reviews would be suspended until such time that the Permittees have demonstrated compliance with the December 6, 2014 Administrative Compliance Order (ACO) 14-21 and the resolution of Waste Analysis Plan (WAP)-related communication issues between the Permittees and the generator sites that may have been discovered during any formal and informal investigations. The December 16, 2014 INL/CCP audit suspension letter explained that NMED would also suspend the review of CBFO's September 4, 2014 Responses to the NMED Observer Inquiry that was submitted as a result of concerns during the INL/CCP Audit.

On March 5, 2015, NMED notified the Permittees of the decision to suspend the review and approval for the remainder of the final audit reports that had been submitted and memorialized that all future final audit report reviews would be suspended until such time that there was compliance with, or resolution of the ACO.

On January 22, 2016, NMED and the Permittees signed the Settlement Agreement and Stipulated Final Order (Settlement Agreement) for the purpose of resolving the December 6, 2014 ACO. Attachment A of the Settlement Agreement contained the list of corrective actions that the Permittees are required to complete, in part, to effectively track and communicate changes in waste management, generation, treatment, remediation, packaging, repackaging, delineation and overall waste characterization.

On March 18, 2016, the Permittees submitted an information package that contained the Settlement Agreement Attachment A corrective action items and specifically included the following items to address waste characterization concerns:

- Revision to Procedure CCP-TP-005, *CCP Acceptable Knowledge Documentation*, which governs the collection of acceptable knowledge (AK) for waste stream characterization in accordance with Permit Attachment C4, *TRU Mixed Waste Characterization Using AK*. The revisions include the new enhanced AK processes:
 - AK Assessment (AKA)
 - Chemical Compatibility Evaluation Memo (CCEM)
 - Interface Waste Management Documents List (IWMDL)
 - Basis of Knowledge (BOK)
- Revisions to the Site Interface Agreements that allow greater access to the generator sites programs and processes for the purpose of verifying procedures that result in AK information for characterization purposes,
- Issuance of new Procedure CBFO-MP-10.10, *Technical Review of TRU Waste Generator Site Process*, subsequently replaced by new Procedure DOE/WIPP-16-3564, *Generator Site Technical Review (GSTR)*,
- Revision to Procedure CBFO-MP-10.3, *Audits*, to include expanded scope for certification/recertification audits by ensuring that concerns discovered during GSTRs have been addressed,
- Issuance of CBFO letter to the LANL Carlsbad Difficult Waste Team defining their role in support of CBFO activities,
- Revision to Procedure WP 08-NT.03, *Waste Stream Profile Form Review and Approval Program*, to clarify, strengthen and improve the review process,
- Issuance of new Procedure WP 08-NT.1005, *RCRA Review Criteria for Waste Stream Profile Forms*.

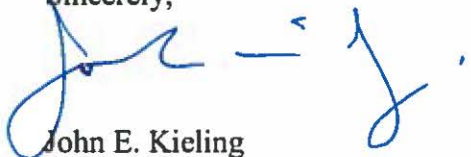
In addition to the corrective actions listed above NMED notes that the Permittees have also revised their DOE Documented Safety Analysis document and their DOE Waste Acceptance Criteria to include more stringent processes that include the new enhanced AK requirements.

NMED further notes that the DOE has conducted an extent of condition review at other TRU waste generator sites in the states of Idaho, Illinois, and Tennessee that ship waste to WIPP and concluded that there is no combination of waste, waste treatment processes and waste management practices at these sites that could have contributed to the WIPP radiological release and that the assessed programs are processing TRU waste in a manner compliant with the WIPP Permit and the WIPP Waste Acceptance Criteria. NMED requested and has obtained from CBFO the DOE extent of condition review report for the record.

Based on NMED's review of the documents listed above, this letter hereby notifies the Permittees that NMED will resume the review of final audit reports. NMED requests that the September 4, 2014 CBFO Responses to the NMED Observer Inquiry be reviewed and amended as needed to include updated information if appropriate. NMED will review the amended responses to NMED's Observer Inquiry as part of the review of the INL/CCP Final Audit Report as provided for in Attachment C6, Section C6-4 of the Permit.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: J.C. Borrego, NMED Deputy Secretary
J. Hower, NMED OGC
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