



Department of Energy  
Carlsbad Field Office  
P. O. Box 3090  
Carlsbad, New Mexico 88221

NOV 30 2017

Mr. John E. Kieling, Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87508-6303

Subject: Request for Termination of Settlement Agreement and Stipulated Final Order  
No. HWB-14-21

Reference: The Settlement Agreement and Stipulated Final Order No. HWB-14-21 (CO),  
January 22, 2016

Dear Mr. Kieling:

The purpose of this letter is to request termination of the referenced Settlement Agreement and Stipulated Final Order (Agreement). The requirements of the Agreement have been fulfilled in accordance with Paragraph 48.

Paragraph 48 of the Agreement states the following:

*Except as otherwise provided in this paragraph and paragraph 34, the terms of this Settlement Agreement shall terminate when Respondents have fulfilled the requirements of this Settlement Agreement. Respondents shall request termination of this Settlement Agreement in writing to NMED. The reservations of rights and defenses and the mutual release in paragraphs 39 to 45 shall not terminate, and shall remain in effect.*

Enclosed is a table demonstrating the completion of each requirement.

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions, please contact Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

**Signatures on File**

Todd Shrader, Manager  
Carlsbad Field Office

Bruce C. Covert, Project Manager  
Nuclear Waste Partnership LLC

Enclosure

cc: w/enclosure  
B. Tongate, NMED \* ED  
R. Maestas, NMED ED  
D. Biswell, NMED ED  
E. Tellez, NMED ED  
CBFO M&RC  
\*ED denotes electronic distribution

**Summary of the Permittees' Actions to Fulfill the Requirements of the January 22, 2016  
Settlement Agreement**

**(2 Pages)**

Paragraph Number in Settlement Agreement Requiring Permittees' Action	Summarized Description of Permittees' Action with Dates of Completion and Reference to Documentation Provided to the NMED
Paragraph 31	<p>WIPP corrective actions and corrective action schedules were contained in <i>Attachment A</i> of the <i>Stipulated Final Order No. HWB-14-21</i>.</p> <ul style="list-style-type: none"> <li>• Evidence of Completion required by <i>Attachment A</i> <ul style="list-style-type: none"> <li>○ Submitted Information and Request for Approval of Work Plans for Four Items <ul style="list-style-type: none"> <li>▪ March 18, 2016 (CBFO:EPD:GTB:ELN:16-0512)</li> </ul> </li> </ul> </li> </ul> <p>The status of the remaining corrective actions (work plans) were given on a monthly basis until completion. The corrective actions and dates of completion are as follows:</p> <ul style="list-style-type: none"> <li>• Work Plan for Live Fire Training, <i>Attachment 25</i> <ul style="list-style-type: none"> <li>○ Submitted training documentation <ul style="list-style-type: none"> <li>▪ May 31, 2016 (CBFO:EPD:GTB:MR:16-0533)</li> </ul> </li> <li>○ Submitted training documentation for the biennial refresher <ul style="list-style-type: none"> <li>▪ October 23, 2017 (CBFO:OEP:GTB:AC:17-1077)</li> </ul> </li> </ul> </li> <li>• Work Plan for Modification to Incorporate Live Fire Training into the Permit, <i>Attachment 26</i> <ul style="list-style-type: none"> <li>○ Submitted Class 1 Permit Modification Notification (PMN) for training <ul style="list-style-type: none"> <li>▪ April 27, 2016 (CBFO:EPD:TS:MT:16-0523)</li> </ul> </li> <li>○ Submitted Class 1 PMN for refresher training <ul style="list-style-type: none"> <li>▪ October 6, 2017 (CBFO:OEP:GTB:AC:17-1072)</li> </ul> </li> </ul> </li> <li>• Work Plan to Incorporate Supplemental Ventilation System into the Permit, <i>Attachment 36b</i> <ul style="list-style-type: none"> <li>○ Submitted Class 1 PMN <ul style="list-style-type: none"> <li>▪ June 14, 2017 (CBFO:OEP:GTB:AC:17-1036)</li> </ul> </li> </ul> </li> <li>• Work Plan to Complete the <i>RCRA Contingency Plan</i> Modifications to the Permit, <i>Attachment 41</i> <ul style="list-style-type: none"> <li>○ Submitted Class 2 Permit Modification Request <ul style="list-style-type: none"> <li>▪ June 3, 2016 (CBFO:EPD:GTB:MT:16-0530)</li> </ul> </li> </ul> </li> </ul>

Paragraph 32	Paragraph 32 provides requirements for completing the Supplemental Environmental Projects (SEPs) in paragraphs 33 through 36. The requirements of Paragraph 32 are addressed in the discussion of each of the SEPs that follow.
Paragraph 33	<p>Funded necessary repairs to roads used for transportation of transuranic waste to the WIPP facility.</p> <ul style="list-style-type: none"> <li>• Certification of Completion with pertinent attachments and data <ul style="list-style-type: none"> <li>○ Submitted necessary information and received by NMED <ul style="list-style-type: none"> <li>▪ September 27, 2017 (CBFO:OEP:GTB:AC:17-1068)</li> </ul> </li> <li>○ Notified as “satisfactorily completed” by the NMED <ul style="list-style-type: none"> <li>▪ October 16, 2017 (NMED Correspondence)</li> </ul> </li> </ul> </li> </ul>
Paragraph 34	Paragraph 34 requires the funding of independent triennial reviews. Paragraph 34 is exempted from completion prior to terminating the Agreement.
Paragraph 35	<p>Obligated \$1 million to fund enhanced training and capabilities for local emergency responders, including funding for training and exercises with local mine rescue teams.</p> <ul style="list-style-type: none"> <li>• Certification of Completion with pertinent attachments and data <ul style="list-style-type: none"> <li>○ Submitted necessary information and received by NMED <ul style="list-style-type: none"> <li>▪ May 11, 2016 (CBFO:EPD:TS:MT:16-0529)</li> </ul> </li> <li>○ Notified as “satisfactorily completed” by the NMED <ul style="list-style-type: none"> <li>▪ June 24, 2016 (NMED Correspondence)</li> </ul> </li> </ul> </li> </ul>
Paragraph 36	<p>Expended \$4 million to fund the construction of and equipment for an emergency operations center near the WIPP facility</p> <ul style="list-style-type: none"> <li>• Certification of Completion with pertinent attachments and data <ul style="list-style-type: none"> <li>○ Submitted necessary information and received by NMED <ul style="list-style-type: none"> <li>▪ September 30, 2016 (CBFO:OEP:GTB:AC:16-3311)</li> </ul> </li> <li>○ Notified as “satisfactorily completed” by the NMED <ul style="list-style-type: none"> <li>▪ December 5, 2016 (NMED Correspondence)</li> </ul> </li> </ul> </li> </ul>