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ENVIRONMENT DEPARTMENT**

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April 15, 2021

Reinhard Knerr, Manager  
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Department of Energy  
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Sean Dunagan, Project Manager  
Nuclear Waste Partnership LLC  
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**RE: APPROVAL OF PLAN OF ACTION FOR 2021 AUDITS OF WIPP’S GENERATOR SITES  
DUE TO CORONAVIRUS DISEASE 2019 PREVENTIVE MEASURES  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Knerr and Dunagan:

The New Mexico Environment Department (“NMED”) received the Department of Energy’s (“DOE”) Plan of Action for 2021 Audits requesting an extension of time (“Request”), dated March 24, 2021, for completion of annual recertification audits of transuranic (“TRU”) waste generator sites as required by the Hazardous Waste Facility Permit (“Permit”) for the Waste Isolation Pilot Plant (“WIPP or the Facility”) due to Coronavirus Disease 2019 (“COVID-19”) preventive measures. The Request was submitted pursuant to Permit Part 1, Section 1.10.3, *Extension of Time* which states:

*“The Permittees may seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the Secretary. The request shall state the length of the requested extension and describe the basis for the request. The Secretary will respond in writing to any request for extension following receipt of the request. If the Secretary denies the request for extension, reasons for the denial will be stated.”*

Due to travel and site access restrictions related to Covid-19 preventive measures, site recertification audits have been conducted remotely by DOE Carlsbad Field Office (CBFO) staff and contractors through livestreaming technologies at some generator/storage facilities. The Request states that “every effort to conduct evaluations of TRU waste characterization activities using livestreaming methods” to meet Permit requirements will be made with NMED personnel as observers for calendar year 2021 recertification audits. The Request further states, “If CBFO cannot evaluate TRU waste characterization

Messrs. Knerr and Dunagan

methods performed during the audit by livestreaming methods, CBFO will evaluate all field activities during the next recertification audit” to ensure Permit requirements are met.

Effective from the March 24, 2021 date of the Request, NMED hereby grants the Request for an extension of time for calendar year 2021 recertification audits with the following conditions:

- 1) As directed by the April 24, 2020 NMED Guidance for the Permit Audit and Surveillance Program, all audit plans and final reports will describe how Permit requirements will be and have been met.
- 2) CBFO must return to site-specific audits, consistent with Permit requirements, conducted at each generator site at the earliest possible time, after Covid-19 preventive measures have been updated to allow for safe travel and site access.
- 3) If field activities are not able to be evaluated using livestreaming methods at a particular generator site, the waste streams under review will not be eligible for shipping until field activities can be evaluated at the next recertification audit or livestreaming evaluation methods can be implemented. Waste streams that have previously been approved by NMED in a final audit report, and continue to be compliant with the Permit, will be eligible for shipping.

This Approval does not relieve the Permittees of their responsibility to adhere to Permit requirements; this Approval grants an extension of time during which these requirements may be met. NMED requests that the priority for Permit requirements during this time period be focused on the protection of human health and the environment.

NMED notes an erroneous statement in the Request: “The CBFO understands that NMED personnel will not be traveling to the generator/storage sites during calendar year 2021 to observe recertification audits.” To clarify, at this time, NMED has made no formal decision on whether staff will be traveling to observe audits in-person during calendar year 2021.

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

Sincerely,

Kevin M. Pierard, Chief  
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB  
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