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James C. Kenney  
Cabinet Secretary

Jennifer J. Pruett  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 31, 2019

Todd Shrader, Manager  
Carlsbad Field Office  
Department of Energy  
PO Box 3090  
Carlsbad, NM 88221-3090

Bruce C. Covert, Project Manager  
Nuclear Waste Partnership LLC  
PO Box 2078  
Carlsbad, NM 88221-2078

**RE: CORRECTIVE ACTIONS FOR FINDINGS OF FIRST TRIENNIAL REVIEW  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

The New Mexico Environment Department ("NMED") has received the Department of Energy's ("DOE") and Nuclear Waste Partnership's ("NWP") (collectively, the "Permittees") letter containing the 2018 First Triennial Review for the Waste Isolation Pilot Plant ("WIPP") Findings and Observations Status Report, dated April 29, 2019.

A Settlement Agreement and Stipulated Final Order ("SFO") was entered into between NMED and the Permittees, on January 22, 2016, to resolve Compliance Order HWB-14-20, issued to the Permittees on December 6, 2014.

Paragraph 34 of the SFO required the Permittees to fund independent external triennial reviews of environmental regulatory compliance and operations at WIPP to ensure that regulatory deficiencies are identified. As required per paragraph 34a of the SFO, the Permittees submitted scope of work and guidelines for the triennial review Supplemental Environmental Project to NMED on January 20, 2017 for review and approval. The scope of work was approved on February 3, 2017.

Firewater Associates, LLC ("Firewater"), the independent contractor hired by the Permittees to conduct the first triennial review, submitted its report to the Permittees on September 7, 2018. The report was finalized and submitted to NMED on September 19, 2018 and made publicly available. The report indicated that there were five findings. The SFO required that all open potential regulatory deficiencies identified during the independent triennial review be corrected within sixty (60) calendar days (i.e., November 18, 2018) of finalization of the report. Two of the five findings (Findings 1 and 5) were closed during the triennial review period and were documented in the report. The three remaining findings (Findings 2-4) were training related: The corrective actions associated with Finding 2 were completed on November 13, 2018 and the corrective actions associated with Findings 3 and 4 were addressed during implementation of the approved Class 2 Permit modification entitled "*Training Program Revisions*" and were closed prior to July 19, 2018. Therefore, the corrective actions associated with all five findings were completed within 60 calendar days of finalization of the report.

NMED has conducted a review of both the report and the evidence presented of the corrective actions taken to close the findings and concurs with the Permittees that the findings in the Firewater report of the first triennial review have been adequately addressed. If you have any questions, please contact Ricardo Maestas of my staff at 505-476-6050.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB  
D. Biswell, NMED HWB  
M. McLean, NMED HWB  
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File: WIPP '19