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Ricardo,

I recently received a mailing from the US Department of Energy Carlsbad Field Office containing several recent Class 1 modifications to the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**). Since I haven't been paying close attention to these types of changes, I visited the online WIPP Information Repository to see what changes had been submitted and apparently accepted by NMED.

I am concerned with the September 30, 2015 Class 1 Permit Modification Notification, and in particular with Item 5, identified in the cover letter as "Update Chronology in Attachment A." This item notified NMED of changes to Attachment A, Section A-6 "to reflect a recent name change of Babcock and Wilcox Technical Services Group, Inc., a member company of Nuclear Waste Partnership, LLC." In explaining the basis for this change, the text states, "The change is simply to update the Permit with current information. It does not reflect a transfer of the Permit, nor a change in ownership of the MOC or operational control pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.40(b)), and does not require a change to the Part A Application."

While this explanation may be appropriate for this specific Class 1 Permit Modification as submitted, I noticed that the previous (and final) entry in Attachment A, Section A-6 (on the NMED WIPP Permit Page) is dated April 1, 2014, regarding an organizational realignment announced by URS, stating that the Management and Operating Contractor (**MOC**), otherwise known as Nuclear Waste Partnership (**NWP**), "is comprised of URS Federal Services, Inc. and Babcock and Wilcox Technical Services Group, Inc."

However, the Permittees have not fully updated the Permit "with current information" to reflect the fact that on October 17, 2014, URS Corporation (and thus URS Federal Services, Inc.) became a wholly owned subsidiary of AECOM. Thus, it appears the Permittees have failed to submit a timely and appropriate Class 1\* modification request requiring prior agency approval to reflect this change in operational control. A cursory search of the Internet for either URS or AECOM will confirm that AECOM now owns and controls the WIPP MOC. For example, a news release on <http://www.aecom.com> dated October 23, 2014 states:

AECOM announced today the final results of the elections made by the former stockholders of URS Corporation regarding the form of consideration to be received in connection with the merger of URS with and into a wholly owned subsidiary of AECOM, which became effective on Oct. 17, 2014.

Even the NWP website at <http://www.nwp-wipp.com/> now states:

Welcome to the Nuclear Waste Partnership LLC (NWP) Website. *NWP is a AECOM-led entity* with partner B&W Technical Services Group and major subcontractor AREVA Federal Services. We manage and operate the U.S. Department of Energy's Waste Isolation Pilot Plant (WIPP) in southeast New Mexico. (*emphasis added*)

It also appears the Permittees may have failed to comply with Permit Condition 1.17.12, Transfer of Permits, particularly by not filing the disclosure statement specified at §74-4-4.7 of the Hazardous Waste Act prior to modification of the Permit. Although the Permittees have had their hands full following the truck fire and release last year, there is no reason for their failure to comply with these requirements of the Permit.

I was aware of this change of operational control last year when it happened, but felt constrained from reporting this because I was still employed by NMED and had previously experienced disciplinary action for interacting with the WIPP permitting group in the Hazardous Waste Bureau. Since my retirement, I am no longer subject to such discipline.

I would appreciate hearing your perspective on my observations, particularly whether there had been any discussions between the Permittees and NMED regarding this corporate acquisition of the parent company of the WIPP MOC, and why the WIPP Permittees have not submitted the required Class 1\* Permit Modification Request as specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.40(b)). I look forward to hearing from you.

Sincerely,



Steve Zappe

cc: John Kieling, NMED HWB