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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 2, 2017

Todd A. Shrader, Manager
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Department of Energy
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Phillip J. Breidenbach, Project Manager
Nuclear Waste Partnership, LLC
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Carlsbad, New Mexico 88221-2078

RE: NMED APPROVAL OF THE SAVANNAH RIVER SITE/CENTRAL CHARACTERIZATION PROGRAM (SRS/CCP) FINAL AUDIT REPORTS, AUDIT A-15-02 AND AUDIT A-16-02 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Messrs. Shrader and Breidenbach:

On December 16, 2014 and March 5, 2015, the New Mexico Environment Department (NMED) notified the Department of Energy’s Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP, collectively the Permittees) of its decision to suspend the review and approval of final audit reports that had been submitted to NMED, and memorialized that all future final audit report reviews would be suspended until such time that there was compliance with, or resolution of, ACO 14-21. On February 28, 2017, NMED notified the Permittees that review of final audit reports would once again commence as a result of NMED’s review of corrective actions that were taken by the Permittees in accordance with the January 22, 2016 Stipulated Final Order and Settlement Agreement. This letter addresses the final audit reports from the Savannah River Site/Central Characterization Program (SRS/CCP).

NMED received the Final Audit Report for the SRS/CCP Audit A-15-02 on March 4, 2015, in a letter dated February 25, 2015, and Final Audit Report for Audit A-16-02 on March 1, 2016, in a letter dated February 29, 2016. The Permittees were required to submit the Audit Reports under the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit), as specified in



Permit Section 2.3.2.3. The intended scope of Audits A-15-02 and A-16-02 was to ensure the continued adequacy, implementation, and effectiveness of the SRS/CCP waste characterization for contact-handled (CH) Summary Category Groups (SCG) S3000 homogeneous solids, S4000 soils/gravel, and SCG S5000 debris wastes and remote-handled (RH) SCG S5000 debris wastes relative to the requirements of the WIPP Permit. NMED representatives observed Audit A-15-02 on November 4-6, 2014 and Audit A-16-02 on December 3-4, 2015, and has examined the Audit Reports for evidence of compliance with the requirements of Permit Sections 2.3.1 (Waste Analysis Plan [WAP]) and 2.3.2 (Audit and Surveillance Program).

SRS/CCP Audit A-15-02

According to the Final Audit Report A-15-02, the audit team verified that SRS/CCP program for characterization and certification activities continues to be adequate, satisfactorily implemented, and effective. No Visual Examination activities have been performed by SRS/CCP since the last recertification audit, A-14-04, conducted November 13-15, 2013. One WAP-related Observation was identified during the audit that if not controlled could result in a condition adverse to quality. NMED will check the status of this observation during the next SRS/CCP Audit.

Observation 1: "The AK Accuracy Report for SR-W027-221H-HOM should be revised to address the AK reevaluations that are documented for this waste stream for waste containers that have moved to another waste stream based on RTR results. It appears that these containers should have counted as a hit for AK accuracy. The CCP process, however, only looks at discrepancies identified after the WSPF is approved. CCP-TP-005, section 4.6, is the procedure to be followed but is unclear regarding the start point. CCP should examine this section to determine how it can be clarified."

The Interim Audit Report A-15-02, issued by CBFO on December 4, 2014, indicated that there were four non WAP-related concerns which included one corrective action report and three recommendations.

SRS/CCP Audit A-16-02

According to the Final Audit Report A-16-02, TRU waste characterization activities at the SRS/CCP have been suspended, and no characterization field activities have occurred since the previous recertification audit A-15-02. The results of Audit A-16-02 have confirmed that CCP operations at the SRS continue to be in a state of suspension. Real-Time Radiography and Visual Examination were not included in the scope of this audit. Due to the limited scope and CCP inactivity since the previous audit, the audit team was unable to determine the overall adequacy, implementation and effectiveness of SRS/CCP waste characterization activities and therefore all waste characterization field activities at the SRS/CCP remain indeterminate. A full evaluation as part of a recertification audit will be required before waste characterization activities resume at SRS/CCP. The final audit report identified no specific WAP-related concerns during this audit. The Interim Audit Report A-16-02, issued by CBFO on December 30, 2015, also identified no specific concerns during the audit.

NMED concludes that Final Audit Report A-15-02 demonstrates that SRS/CCP has implemented the applicable characterization requirements of the WAP during the applicable timeframe and

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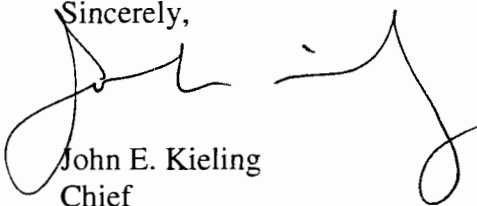
therefore approves the Final Audit Report for Audit A-15-02. However, NMED will check on the status of the WAP-related Observation during the next SRS/CCP Audit.

NMED further concludes that Final Audit Report A-16-02 demonstrates that SRS/CCP had not implemented the applicable characterization requirements of the WAP during the applicable timeframe due to the suspension of waste characterization activities at the SRS/CCP. NMED approves the Permittees Final Audit Report Audit A-16-02 with the understanding that waste characterization activities at the SRS/CCP have been suspended and no characterization field activities have occurred since the previous recertification audit A-15-02 and therefore remain indeterminate. Since waste characterization activities were found to be indeterminate during Audit A-16-02 review period, and the Permittees could not verify that SRS/CCP meets the requirements of Permit Sections 2.3.1 and 2.3.2, the Permittees may only manage, store or dispose TRU mixed waste from SRS/CCP that was characterized during the Audit A-15-02 review period and those wastes of previous audits and certifications. Further, once waste characterization activities resume at SRS/CCP, DOE must conduct a full site-specific audit in accordance with the Permit.

NMED also amends the previous final audit report approval for Final Audit Report A-14-04 issued by NMED on April 18, 2014, to include only those waste forms and processes evaluated by these recertification audits. The audit report approvals for Final Audit Report A-15-02 and Final Audit Report A-16-02, are approvals of the broad programmatic implementation of waste characterization requirements at SRS/CCP, and do not constitute approval of individual waste characterization procedures, or inappropriate applications of those procedures. The approvals also do not relieve the Permittees of their obligation to comply with the requirements of the permit or other applicable laws and regulations.

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: R. Maestas, NMED HWB
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File: WIPP '17