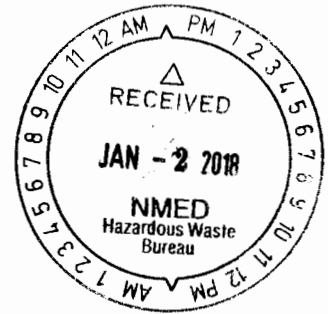




Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

ENTERED



DEC 22 2017

Mr. John E. Kieling, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Subject: Request NMED to Resume Processing the Class 3 Permit Modification Request, Modify Excluded Waste Prohibition

Ref 1: Permittees' Letter from Jose R. Franco, U.S. Department of Energy Carlsbad Field Office, and M. F. Sharif, Nuclear Waste Partnership LLC, to John E. Kieling, Chief, Hazardous Waste Bureau, dated April 8, 2013, Notification of Class 2 Permit Modification Request to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Ref 2: Permittees' Letter from Todd Shrader, U.S. Department of Energy Carlsbad Field Office, and Philip J. Breidenbach, Nuclear Waste Partnership LLC, to John E. Kieling, Chief, Hazardous Waste Bureau, dated March 18, 2016, Information Required by Paragraph 31 of the Settlement Agreement and Stipulated Final Order, Dated January 22, 2016, HWB 14-21(CO)

Mr. Kieling:

The purpose of this letter is to request that the New Mexico Environment Department (NMED) resume processing the Permit Modification Request (PMR), *Modify Excluded Waste Prohibition*. This PMR was originally submitted to the NMED on April 8, 2013 as a Class 2 PMR and was elevated to a Class 3 PMR on July 2, 2013 due to significant public interest. As far as we are aware, no administrative action has been taken since July 2, 2013.

Because the focus at the WIPP facility changed from recovery operations to waste disposal operations in 2017, the Permittees have determined that it is necessary to resume processing this PMR to support planning, clean-up, and disposal operations from the generator/storage sites throughout the DOE complex. Clean-up of TRU waste across the DOE complex from sites such as Hanford, Idaho, and the Savannah River Site will benefit from processing this PMR. This PMR will help those sites plan for efficient and effective waste disposition pathways.

The proposed changes to the Permit described in the overview of the PMR and the redline strikeout included therein are still accurate (i.e., no changes are required). Some improvements to the waste characterization program related to some of the information in the PMR have been made since the PMR was submitted in 2013. These program improvements are described in the enclosures to the March 18, 2016 letter to the NMED regarding the Information Required by Paragraph 31 of the Settlement Agreement and Stipulated Final Order, Dated January 22, 2016, HWB 14-21 (CO). Examples of these changes are listed below.



Mr. Kieling

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- Revisions to a key waste characterization procedure, CCP-TP-005, *Acceptable Knowledge Documentation, (11.1 Violation 11 Overall Progress and Plans; 12.1 Violation 12 Overall Progress and Plans)*,
 - This procedure governs the collection of the Acceptable Knowledge (AK) for waste stream characterization in accordance with Permit Attachment C4, *TRU Mixed Waste Characterization Using Acceptable Knowledge*. It was revised to include information for preparation of chemical compatibility evaluations.
- Changes to Site Interface Agreements, *(11.1 Violation 11 Overall Progress and Plans; 12.1 Violation 12 Overall Progress and Plans)*,
 - These changes provide greater Permittee access to generator/storage site programs and processes for the purposes of verifying procedures that result in the generation of AK information.
- Improved review of Waste Stream Profile Forms *(13.1 Violation 13 Overall Progress and Plans)*.
 - Review relevant documentation (e.g., chemical compatibility evaluations, TRU waste determinations)

The Permittees look forward to re-initiating discussions with you and your staff on this subject.

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 Basabilvazo at (575) 234-7488.

Sincerely,



Todd Shrader, Manager
Carlsbad Field Office



Bruce C. Covert
Nuclear Waste Partnership LLC

cc:

R. Maestas, NMED *ED
D. Biswell, NMED ED
H. Tellez, NMED ED

CBFO M&RC

*ED denotes electronic distribution