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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 18, 2019

Todd Shrader, Manager  
Carlsbad Field Office  
Department of Energy  
P.O. Box 3090  
Carlsbad, New Mexico 88221-3090

Bruce C. Covert, Project Manager  
Nuclear Waste Partnership, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: NMED APPROVAL OF THE SAVANNAH RIVER SITE/CENTRAL CHARACTERIZATION PROGRAM (SRS/CCP) FINAL AUDIT REPORTS; AUDIT A-17-02, AUDIT A-18-02 AND AUDIT A-19-09 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

The New Mexico Environment Department ("NMED") received the following Final Audit Reports for the Savannah River Site/ Central Characterization Program ("SRS/CCP") from the Department of Energy's Carlsbad field Office ("DOE"). Final Audit Report A-17-02 on June 8, 2017, in a letter dated June 7, 2017; Final Audit Report A-18-02 on January 4, 2018, a letter dated December 28, 2017; and Final Audit Report A-19-09 on February 16, 2019, in a letter dated February 13, 2019. DOE and Nuclear Waste Partnership, LLC ("NWP") (collectively the "Permittees") were required to submit these Final 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 Audit A-17-02, Audit A-18-02, and Audit A-19-09 was to ensure the continued adequacy, implementation, and effectiveness of the SRS/CCP waste characterization process for contact handled ("CH") Summary Category Groups ("SCG") S3000 homogeneous solids, S4000 soils/gravel, and S5000 debris wastes, and remote-handled ("RH") SCG S5000 debris waste that were generated relative to the requirements of the WIPP Permit.

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The Final Audit Reports consisted of the following items:

- A final narrative report;
- Completed copies of relevant Permit Attachment C6 checklists;
- List and copies of final SRS/CCP standard operating procedures; and
- Objective evidence examined during the audit.

NMED representatives observed Audit A-17-02 on December 6-8, 2016, Audit A-18-02 on October 17-19, 2017, and Audit A-19-09 on November 6-8, 2018, at the Skeen-Whitlock Building in Carlsbad, New Mexico, and have examined the Final 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).

The Final Audit Reports conclude that TRU waste characterization activities at SRS have been suspended and no waste characterization field activities have occurred. The results of these three audits confirm that SRS/CCP operations continue to be in a state of suspension. Due to the limited scope of these three audits and the inactivity at SRS since Audit A-15-02, conducted in November 2014, the audit team was unable to determine the overall adequacy, implementation, and effectiveness of SRS/CCP waste characterization and certification activities. The audit team conducted interviews with responsible personnel and verified no waste characterization field activities have been performed by SRS/CCP. Accordingly, the adequate and satisfactory implementation of applicable waste characterization requirements for Real Time Radiography and Visual Examination were deemed indeterminate and will require a full evaluation as part of a recertification audit before waste characterization and certification activities resume at SRS. The audit team did conclude that the SRS/CCP technical and quality assurance (“QA”) elements evaluated were adequately established for compliance with applicable upper-tier requirements, satisfactorily implemented, and effective. The Final Audit Reports further conclude that once waste characterization field activities resume at SRS, the DOE will conduct a recertification audit as a basis for reinstating authority to perform waste characterization activities.

NMED concludes that Final Audit Report A-17-02, Final Audit Report A-18-02, and Final Audit Report A-19-09 demonstrate that SRS/CCP had not implemented the applicable characterization requirements of the WAP during the applicable timeframes due to the suspension of waste characterization activities at SRS/CCP.

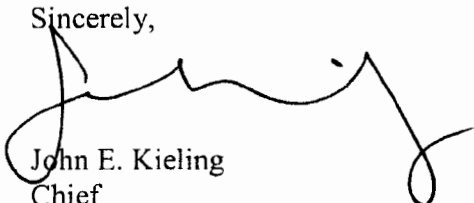
Based on NMED's reviews and conclusions, NMED hereby approves the Permittees Final Audit Report A-17-02, Final Audit Report A-18-02 and Final Audit Report A-19-09 with the understanding that waste characterization activities at the SRS/CCP have been suspended and no waste characterization field activities have occurred since Audit A-15-02 and therefore remain indeterminate. Since waste characterization activities were found to be indeterminate and the audit team 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 and certified 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.

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NMED also amends the previous final audit report approval for Final Audit Report A-16-02 issued by NMED on March 2, 2017, to include only those waste forms and processes evaluated by these recertification audits. The audit report approval for Final Audit Report A-17-02, Final Audit Report A-18-02, and Final Audit Report A-19-09 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,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB  
D. Biswell, NMED HWB  
M. McLean, NMED HWB  
S. Lucas-Kamat, NMED DOEOB  
L. King, EPA Region 6  
T. Peake, EPA ORIA  
File: WIPP '19

**NMED Comments and Conclusions for the SRS/CCP  
Final Audit Reports; A-17-02, A-18-02, and A-19-09**

**SRS/CCP Audit A-17-02**

Interim Audit Report A-17-02, issued by DOE on February 3, 2017, indicated that the audit team identified one non-WAP related concern during the audit. The concern was minor in nature and resulted in a recommendation to management.

Final Audit Report A-17-02, issued by DOE on June 7, 2017, indicated that the audit team identified no WAP-related concerns during the audit. TRU waste characterization activities at SRS have been suspended and no waste characterization field activities have occurred since the previous recertification audit, Audit A-16-02, conducted December 3-4, 2015. The results of Audit A-17-02 confirm that SRS/CCP operations continue to be in a state of suspension.

**SRS/CCP Audit A-18-02**

Interim Audit Report A-18-02, issued by DOE on November 8, 2017, indicated that the audit team identified one non-WAP related concern during the audit resulting in corrective action report (“CAR”) 18-001.

Final Audit Report A-18-02, issued by DOE on December 28, 2017, indicated that the audit team identified no WAP-related concerns during the audit. TRU waste characterization activities at SRS have been suspended and no waste characterization field activities have occurred since the previous recertification audit, Audit A-17-02, conducted December 6-8, 2016. The results of Audit A-18-02 confirm that SRS/CCP operations continue to be in a state of suspension.

**SRS/CCP Audit A-19-09**

Interim Audit Report A-19-09, issued by DOE on December 4, 2018, indicated that the audit team identified no concerns during the audit.

Final Audit Report A-19-09, issued by DOE on February 13, 2019, indicated that the audit team identified no concerns during the audit. TRU waste characterization activities at SRS have been suspended and no waste characterization field activities have occurred since the previous recertification audit, Audit A-18-02, conducted October 17-19, 2017. The results of Audit A-19-09 confirm that SRS/CCP operations continue to be in a state of suspension.