



Department of Energy

Carlsbad Field Office
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OCT 18 2016

Mr. John E. Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87508-6303

Ms. Kathryn Roberts, Director
Resource Protection Division
New Mexico Environment Department
Harold Runnels Building
1190 Saint Francis Drive, PO Box 5496
Santa Fe, NM 87502-5469

Subject: Final Supplement to the Report of Implementation of the Waste Isolation Pilot Plant Facility Resource Conservation and Recovery Act Contingency Plan on April 11, 2014

Dear Mr. Kieling and Ms. Roberts:

On April 11, 2014, the Department of Energy (DOE) Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP), Permittees of Hazardous Waste Facility Permit (NM4890139088-TSDF), implemented the Resource Conservation and Recovery Act (RCRA) Contingency Plan and filed a report with the New Mexico Environment Department (NMED) on April 28, 2014, documenting implementation of the Plan. The Permittees then provided updated information in six supplements to report implementation of the Waste Isolation Pilot Plant Facility Resource Conservation and Recovery Act Contingency Plan on April 11, 2014. These supplements were provided to the NMED on July 7, 2014, August 18, 2014, March 23, 2015, May 8, 2015, September 16, 2015 and November 25, 2015. Implementation of the Plan was in anticipation of investigation of the source of a radiological release from the facility that occurred on February 14, 2014.

The Permittees are providing the NMED with the final supplement to the RCRA Contingency Plan Implementation Report based on the completed investigation related to the February 14, 2014 radiological event as part of the Los Alamos National Laboratory extent of condition evaluation. The Permittees are also notifying the NMED that the Permittees have concluded RCRA Contingency Plan activities related to the February 2014 emergencies and have exited the Contingency Plan. Operations are expected to return to normal in the very near future.

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.

Mr. Kieling and Ms. Roberts

-2-

OCT 18 2016

If you have any questions, please contact Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

Original Signatures on File

Todd Shrader, Manager
Carlsbad Field Office

Philip J. Breidenbach, Project Manager
Nuclear Waste Partnership LLC

Enclosure

cc: w/ enclosure

R. Maestas, NMED *ED

C. Smith, NMED ED

CBFO M&RC

*ED denotes electronic distribution

**Final Supplement to the Report of Implementation of the Waste Isolation Pilot Plant
Facility Resource Conservation and Recovery Act Contingency Plan on
April 11, 2014**

On April 11, 2014, the U.S. Department of Energy (DOE) Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP), Permittees of Hazardous Waste Facility Permit (NM4890139088-TSDF), implemented the Resource Conservation and Recovery Act (RCRA) Contingency Plan. The Permittees subsequently filed a report with the New Mexico Environment Department (NMED) on April 28, 2014, documenting implementation of the RCRA Contingency Plan. The Permittees submitted supplements to the report on July 7, 2014, August 18, 2014, March 23, 2015, May 8, 2015, September 16, 2015 and November 25, 2015.

The investigation related to the February 14, 2014, radiological event is complete. This investigation was part of the Los Alamos National Laboratory (LANL) extent of condition investigation. The information provided below is an additional supplement to the information provided in the previous reports based on the findings by LANL. A summary of this information was provided to the NMED in a letter dated July 29, 2016.

The name and quantity of material(s) involved

The Permittees have applied the U. S. Environmental Protection Agency Hazardous Waste Number (HWN) D001 for the characteristic of ignitability to a total of 683 containers (this includes drum LA00000068660) from LANL waste streams LA-MIN02-V.001, LA-MHD01.001, and LA-CIN01.001. These waste containers have been disposed of in Panel 5, Room 1; Panel 6, Rooms 1 through 6; and Panel 7, Room 7, in the underground WIPP facility (Panel 5, Room 1 (2 containers); Panel 6, Room 1 (253 containers); Panel 6, Room 2 (255 containers); Panel 6, Room 3 (81 containers); Panel 6, Room 4 (30 containers); Panel 6, Room 5 (2 containers); Panel 6, Room 6 (2 containers); and Panel 7, Room 7 (58 containers)). Also, the Permittees applied the HWN D002 for the characteristic of corrosivity to 88 of these containers.

The application of these HWNs is based on information provided to the Permittees by LANL resulting from the LANL extent of condition evaluation. Los Alamos National Laboratory applied D001 and D002 based on the outcome of LANL's extent of condition evaluation.

The Permit Part 2, Section 2.3.3.7, specifies that wastes exhibiting the characteristic of ignitability or corrosivity (HWNs D001 or D002) are not acceptable for disposal at the WIPP facility.

An assessment of actual or potential hazards to human health or the environment, where this is applicable

On May 8, 2014, the Permittees suspended the authorization for certification of certain waste streams, including LA-MIN02-V.001, via the WIPP Form process. This halted shipment of additional containers of these wastes from LANL. This action was taken to protect human health and the environment. On May 20, 2014, the NMED ordered the Permittees to prepare and submit for approval a plan to isolate the disposed nitrate salt bearing waste by closing Panel 6 and Panel 7, Room 7, in order to protect human health and the environment. The Permittees responded to the order by preparing the WIPP Nitrate Salt Bearing Waste Container Isolation Plan, which was submitted to the NMED on May 30, 2014. The NMED approved two portions of the plan, which provide protection to human health and the environment.

Specifically, the NMED approved the continued use of the underground filtration system in Sections 3.2.1 and 3.4.1 and the expedited initial Panel 6 closure portion of the plan identified in Sections 3.2.2 and 3.3.2 and provided comments on the plan on August 5, 2014. The Permittees responded to the comments and submitted the revised plan on September 30, 2014. On March 20, 2015, the NMED approved Revision 1 of the plan with the exception of Sections 3.2.3 and 3.3.3, which include the proposed activities for permanent closure of Panel 6. The approval process for permanent closure of all panels will be subject to public participation requirements in accordance with 40 CFR §270.42. The Permittees implemented this plan including the continued operation of the underground repository in filtration mode and have installed the approved initial closures of Panel 6 and the approved closure for Panel 7, Room 7. An explosion isolation wall had previously been installed in Panel 5. Based on this assessment, the change described in this supplemental report does not pose additional hazards to human health and the environment.

Actions Required to Comply with 40 CFR 264.56(g) and (h)

To ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.56(g)), Permit Attachment D, Section D-4f requires that after an emergency, the RCRA Emergency Coordinator is to assure recovered materials are managed properly (i.e., stored and/or disposed). The emergency generated two types of hazardous waste: TRU mixed waste and low-level mixed waste. TRU mixed waste is currently stored in the Waste Handling Building, awaiting emplacement in the repository once waste emplacement operations are initiated. Low-level mixed waste has been sent to an authorized offsite facility for disposition.

To ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.56(h)(1)), Permit Attachment D, Section D-4g address the RCRA Emergency Coordinator responsibility with regard to incompatible waste. Incompatible waste was not generated throughout the reentry and recovery process.

To ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.56(h)(2)), Permit Attachment D, Section D-4h requires that the RCRA Emergency Coordinator ensure that emergency equipment located or used in the area affected by the emergency and listed in the Contingency Plan is cleaned and ready for its intended use prior to resuming operations. This has been accomplished with the cleaning, replacement and upgrading of numerous pieces of equipment listed in Permit Table D-6. Required emergency supplies have been restocked and equipment is available should another emergency occur. Compensatory measures are in place for some equipment that is out of service and is being repaired or replaced.