

November 29, 2016

Mr. Todd Shrader, Manager  
Carlsbad Field Office  
U.S. Department of Energy  
P.O. Box 3090  
Carlsbad, NM 88221

SUBJECT: REVIEW OF 2016 WASTE ISOLATION PILOT PLANT BIENNIAL  
ENVIRONMENTAL COMPLIANCE REPORT

Dear Mr. Shrader:

I am responding to your letter dated October 31, 2016, that transmitted the U.S. Department of Energy (DOE) report entitled, "Waste Isolation Pilot Plant Biennial Environmental Compliance Report." As stated in your letter, DOE is periodically required to submit to the U.S. Environmental Protection Agency (EPA) and the State of New Mexico documentation of continued compliance with applicable Federal laws pertaining to the public health and the environment. The Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act requires DOE to use packages certified by the U.S. Nuclear Regulatory Commission (NRC) for the transportation of transuranic (TRU) waste to WIPP for disposal.

The report discusses compliance with the applicable laws administered by the NRC from April 1, 2014, to March 31, 2016. While the NRC does not have regulatory authority over DOE or WIPP, the NRC regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71 promulgated under the authority of the Atomic Energy Act of 1954, as amended to apply to packages designed and utilized for shipments of TRU waste. In addition to pertaining to the certification of packages, these regulations also set the criteria and requirements for quality assurance programs as applied to transportation packages.

NRC has certified the design of five packages for DOE's use in transporting transuranic waste to WIPP. Certificate of Compliance No. 9218 was issued to DOE on August 30, 1989, for the Model No. TRUPACT-II. The NRC approved several amendments to the certificate, most recently Revision No. 22, issued on June 20, 2014. The certificate has an expiration date of August 31, 2019. On March 3, 2000, NRC certified the design for DOE's transport package for remote-handled transuranic waste, Certificate of Compliance No. 9212, for the Model No. RH-TRU 72-B. NRC has approved several amendments to the certificate, most recently on March 2, 2016. The Revision No. 10 of this certificate has an expiration date of January 31, 2020. On November 2, 2000, NRC certified a third package design for transuranic waste, Certificate of Compliance No. 9279, for the Model No. HalfPACT Waste Shipping Container. The most recent amendment to this certificate was issued on November 4, 2015, and the certificate's expiration date is November 30, 2020. On June 1, 2010, NRC certified a fourth package design for transuranic waste, Certificate of Compliance No. 9305, for the Model No. TRUPACT-III package. The most recent amendment to this certificate was issued on July 21, 2015, and the certificate's expiration date is July 31, 2020. Certificate of Compliance No. 9204, for the Model No. CNS 10-160B has been authorized for shipment of certain transuranic wastes. Revision

No. 22 for this certificate was issued by the NRC on August 14, 2015, to Energy*Solutions* and has an expiration date of October 31, 2020.

We conducted two quality assurance inspections for Certificate of Compliance No. 9204, on September 11, 2015, and February 3, 2016. From these inspections, we determined that the quality assurance program was satisfactorily implemented and that the quality assurance requirements of 10 CFR Part 71 had been met.

In light of the WIPP Land Withdrawal Act, we reviewed our records and relevant portions of Chapter 14.0 of the WIPP compliance report. Based on our records and review, we consider DOE to be in compliance with the WIPP Land Withdrawal Act as evaluated against applicable sections of 10 CFR Part 71, promulgated under the authority of the Atomic Energy Act.

If you have any questions regarding this matter, please contact me at (301) 415-9956, or Pierre Saverot of my staff at (301) 415-7505.

Sincerely,

**/RA Anthony Hsia for Acting for/**

Mark D. Lombard, Director  
Division of Spent Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos: 71-9212, 71-9218  
71-9279, 71-9204  
71-9305

cc: Nick Stone, EPA Region 6

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