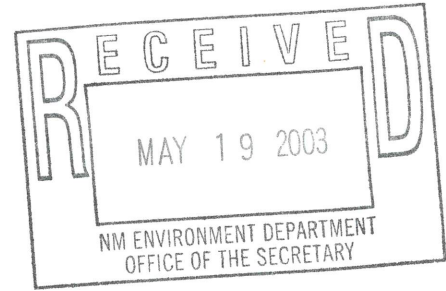




Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

 ENTERED

May 14, 2003



Secretary Ron Curry
New Mexico Environment Department
1190 Saint Francis Drive
Santa Fe, NM 87502

RE: Response to NMED Letter Dated April 28, 2003 on Rescheduling of Audits

Dear Secretary Curry:

The Carlsbad Field Office (CBFO) has received a letter from NMED titled *Rescheduling of INEEL Analytical Laboratory Operations Audit A-03-15*. The letter expresses NMED Hazardous Waste Bureau concerns in relation to rescheduling of audits. CBFO sincerely welcomes any constructive feedback on potential areas of improvement in the processes being implemented at WIPP.

The responses to the letter are enclosed on Attachment I. If you have any questions or need additional information, please contact Harold Johnson of my staff at (505) 234-7349.

Sincerely,

Inés R. Triay
Manager

Enclosure

cc: w/enclosure

K. Watson, CBFO
A. Holland, CBFO
H. Johnson, CBFO
D. Watchman-Moore, NMED
C. Lundstrum, NMED
T. Hughes, NMED
C. Noble, NMED

B. Forinash, EPA ORIA
M. Eagle, EPA ORIA
E. Feltcorn, EPA ORIA
R. Joglekar, EPA ORIA
L. King, EPA Region 6
M. Silva, EEG
CBFO QA File



ATTACHMENT 1

Response to NMED Comments on Rescheduling of INEEL Analytical Laboratory Operations Audit A-03-15

This attachment contains the U.S. Department of Energy Carlsbad Field Office (CBFO) response to New Mexico Environment Department (NMED) comments on the audit notification process.

NMED General Comments:

On March 24, 2003, NMED received the "Transmittal of the Audit Plan and Notification of Assigned Auditors for the Idaho National Engineering and Environmental Laboratory [INEEL], Analytical Laboratory Operations, Certification Audit" in a letter dated March 20, 2003. The transmittal letter and attached audit plan stated that the audit (identified as Audit A-03-15) would be conducted at INEEL on April 21 - 25, 2003. On April 1, 2003, my staff received an informal e-mail from Earl Bradford of CTAC stating that Audit A-03-15 had been rescheduled to the week of May 19, 2003. On April 2, 2003, Ava Holland responded to an e-mail inquiry from my staff seeking official notification of the delay in this audit, stating "When I can get a definitive answer on whether the audit is delayed or when the site will be ready, I'll make sure you get an official notification," On April 14, 2003, NMED finally received official notification that Audit A-03-15 had been rescheduled to May 19-23, 2003.

Permit Condition II.C.2.b (Observation of audit) states in part, "The Permittees shall provide the Secretary with the current audit schedule on a monthly basis and notify the Secretary no later than thirty (30) calendar days prior to each audit." NMED has been tolerant of previous audit notifications that arrive less than thirty calendar days prior to the beginning of the audit (e.g., the March 24, 2003 notification). NMED has also had to handle numerous uncertainties associated with other audits that were rescheduled several times "at the last minute" before a final date was established (e.g. ANL-E/CCP Audit A-O2-03).

NMED staff has informally discussed with CTAC audit management the importance of establishing audit dates based upon a generator site's readiness to demonstrate compliance with applicable requirements of the WIPP waste analysis plan. Premature formal notification of an audit when a generator site is unprepared serves no useful purpose, especially if it is done to compel a site to develop a waste characterization program by an arbitrary or unrealistic deadline. The Permit accommodates the need for flexibility by establishing the audit schedule as a long-range planning tool subject to monthly (or more frequent) updates. However, NMED should only receive official notification of an audit when the Permittees are confident the audit will occur as scheduled.

NMED takes this opportunity to underscore the importance of sufficient advance notice in order to identify appropriate staff and contractor support for each audit, secure approval for necessary travel expenses, and make timely travel arrangements. NMED

requests that the Permittees establish a procedure for formally notifying regulators and observers whenever an officially noticed audit has been postponed or canceled. Informal notification to NMED (e.g., via e-mail or the telephone) is inadequate in part because the administrative record remains incomplete. We further request the Permittees not wait for the certainty of a rescheduled audit date to provide formal notification. NMED still expects the Permittees to transmit the revised audit plan to NMED once the final audit date is established, as specified in Permit Condition II.C.2.b cited above.

CBFO Response:

CBFO believes that its audit notification procedure complies with the WIPP Hazardous Waste Facility Permit and the CBFO Quality Assurance Program, meeting both the spirit and the intent of the associated requirements. NMED is always notified at least 30 days in advance of an audit, as required by the permit. CBFO goes to great lengths to keep original audit schedules intact. Sometimes, however, changes to the audit schedule are necessary and unavoidable. Reasons for these changes have included the following:

- Safety programs not in place
- Equipment failures
- Written programs not adequately established
- Unavailability of key personnel (including regulators)
- Government work stoppages (terrorism/war)
- Adverse weather conditions
- Other states permits not in place

In these instances, audit team leads notify NMED of any delays as soon as possible .

NMED currently receives weekly updates of the CBFO formal audit schedule electronically and a hard copy with signed cover page on a monthly basis. NMED is also on electronic distribution for the Tentative Assessment Teams matrix, which is updated and issued several times a month. During the planning phase of audits, audit team leads have been in frequent contact with NMED to update the agency on audit logistics. CBFO has provided NMED with advance notification of the audit dates and any delays that have occurred as soon as that information is available prior to the audits.

NMED commented that “Premature formal notification of an audit when a generator site is unprepared serves no useful purpose, especially if it is done to compel a site to develop a waste characterization program by an arbitrary or unrealistic deadline.” This statement implies that CBFO is responsible for establishing the dates that appear on the audit schedule. In actuality, the generator sites establish the audit dates by notifying CBFO of when they will be ready for an audit. The applicable site DOE office and the generator site contractors determine project deadlines.

CBFO agrees with NMED that sufficient advance notice is needed to prepare for an audit: postponing an audit date can complicate travel arrangements and effective resource utilization. CBFO is particularly sensitive to changing audit schedules as

identification of critical resources and securing travel arrangements is impactful to our staff and contractors, as well as to NMED personnel.

While CBFO encourages NMED to participate in the audit process, NMED participation is not required by the permit (WAP section B6-1 states: "NMED personnel *may* observe these audits to validate implementation of WAP requirements at each site"). Thus, if participating in a rescheduled audit has the potential to disrupt its operations, NMED has the option to pass on participation for that audit.

CBFO believes that revising the audit procedure to require formal notification when a previously scheduled audit is not going to be performed does not follow effective communication practices, which rely heavily on informal communication for the speed that it brings to a given process. Informal notifications, such as e-mail messages, could be made part of the administrative record. CBFO welcomes further recommendations on how it can improve its audit notification process and will continue to work with NMED to keep the agency informed of audit schedule changes in as timely a manner as possible.