

Allen, Pam, NMENV

From: Maestas, Ricardo, NMENV
Sent: Thursday, October 11, 2012 3:00 PM
To: Allen, Pam, NMENV
Subject: FW: meeting to discuss NMED Observer interactions during certification audits

WIPP file

From: Maestas, Ricardo, NMENV
Sent: Thursday, September 13, 2012 9:31 AM
To: Kliphuis, Trais, NMENV; Holmes, Steve, NMENV
Cc: Maestas, Ricardo, NMENV
Subject: FW: meeting to discuss NMED Observer interactions during certification audits

From: Fesmire, Courtland - DOE [<mailto:Courtland.Fesmire@wipp.ws>]
Sent: Wednesday, August 01, 2012 3:22 PM
To: Kliphuis, Trais, NMENV
Cc: Basabilvazo, George - DOE; Stroble, J. R. - DOE; Harvill, Joe - CTAC; Allen, Randall - CTAC
Subject: meeting to discuss NMED Observer interactions during certification audits

Trais

The boxes of BAPL objective evidence will be sent out today. Let me know if you don't receive it by tomorrow.

Audit Observers

The participation of NMED personnel as observers during CBFO audits (especially certification/recertification audits) has never been well understood by us. The Idaho audit pointed out some apparent confusion in roles. As a starting point for discussion, I offer the following.

There is very little in the permit that directly addresses the NMED Observer of CBFO audits. It is addressed in Attachment C6.

“NMED personnel may observe these audits and surveillances to validate the implementation of WAP requirements (Permit Attachment C) at each site and DOE approved laboratory.” [page C6-1, Section C6-1]

The lead auditor is charged with performing tasks to include, “Encourage observers to participate according to the protocol established by DOE”. [page C6-2, Section C6-3]

Finally, the NMED observer inquiry is referenced.

“NMED may submit a written Observer Inquiry to DOE if necessary to seek resolution to a question raised or issue posed during the audit. DOE shall be responsible for obtaining a response to the Observer Inquiry and submitting a written response to NMED within 30 days of inquiry submission.” [page C6-5, Section C6-4]

The DOE (CBFO) protocol for observers at audits is set forth in two documents. First is CBFO MP 10.3, the audits procedure. The information is limited.

Observer is defined as, "An individual who observes the audit process, but does not directly participate in the audit." [Section 3.2.18]

Again the Audit team leader is enjoined to "coordinate with audit observers" [Section 4.5.3] and orient the team including the "Role of the observers" [Section 5.3.4.I].

Attachment XI of the procedure is the Observer Inquiry Form and instructions which provide a list of examples of issues that may require an observer inquiry. This list is not all inclusive.

- Concerns regarding the validity of requirements
- Concerns regarding the interpretation of requirements by the audit team or CBFO
- Process concerns regarding efficiency, priority of work being done, and approach to work accomplishment
- Concerns regarding CBFO policy or objectives
- Concerns that are outside the scope of the audit

"If the observer does not believe that a concern can be resolved with the assigned auditor or technical specialist, the next communication should be the ATL. It is the responsibility of the ATL to serve as a catalyst for resolution of problems and concerns."

The second protocol document that has been established by CBFO for conduct of observers is specific to CBFO Observers at EPA Baseline inspections [CBFO TP 3.3]. Section 5.3 of this procedure is "Observer Conduct during the BCI" [Baseline Compliance Inspection]. This short section directs the observer to:

- Witness the audit noting areas of concern;
- Refrain from acting as part of the inspection team and ensure that behavior is not construed to be interference with the inspection process, and
- Neither defend nor disagree with any responses or evidence provided by the TRU waste site, or any conclusion reached by the inspectors.

To the best of my knowledge, this is the sum total of DOE protocol regarding observers at CBFO audits. Not knowing what NMED protocols or procedures may exist limits my ability to comment on such but I would propose an exchange of information and discussion so that we all have a common understanding and expectation for the conduct of the audits.

As you and I discussed, I suggest that we schedule a meeting for this conversation with an eye toward achieving a mutually acceptable understanding by the end of the meeting. I have not attempted to set up a meeting but would suggest from our shop George Basabilvazo or designee, JR Stroble of designee, Joe Harvill and or Randall Allen and myself. I have copied all of these folks on this e-mail. On the phone, you suggested mid August. Thanks for listening and I look forward to a good meeting.

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