



NEW MEXICO
ENVIRONMENT DEPARTMENT

ENTERED



Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 1, 2012

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3100

M. Farok Sharif, Project Manager
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: NMED APPROVAL OF FINAL AUDIT REPORT, OAK RIDGE NATIONAL
LABORATORY/CENTRAL CHARACTERIZATION PROJECT, AUDIT A-12-08
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

On August 16, 2012, The New Mexico Environment Department (NMED) received the Final Audit Report of the Oak Ridge National Laboratory/Central Characterization Project (ORNL/CCP) Audit Number A-12-08 (Audit Report), from the Department of Energy's Carlsbad Field Office (CBFO). CBFO and Nuclear Waste Partnership LLC (the Permittees) were required to submit this Audit Report under the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit as specified in Permit Section 2.3.2.3. The intended scope of this final audit was to ensure the adequacy, implementation, and effectiveness of the ORNL/CCP waste characterization processes for retrievably stored remote handled (RH) and contact handled (CH) Summary Category Groups S5000 debris waste and CH S4000 soil/gravel waste, relative to the WIPP Permit.



The Audit Report consisted of the following items:

- A narrative report (hardcopy and electronic)
- Copies of relevant Permit Attachment C6 checklists (hardcopy and electronic)
- Final ORNL/CCP standard operating procedures for characterization of the waste category listed above (hardcopy and electronic)
- Two Conditions Adverse to Quality (CAQs), deficiencies that were Corrected During the Audit (CDA)
- Objective evidence examined during the audit:
 - General information
 - Acceptable knowledge (AK)
 - Headspace gas sampling (HSG sampling)
 - Real-time radiography (RTR) Visual examination (VE)

NMED representatives observed the audit on March 27-29, 2012 in Carlsbad, New Mexico. NMED has examined the Audit Report for evidence of compliance with the requirements of Permit Sections 2.3.2 (Audit and Surveillance Program) and 2.3.1 (Waste Analysis Plan [WAP]). The Audit Report indicates that there were two CAQs resulting in deficiencies that were CDAs.

- CDA 1: During the review of records, the audit team identified that one of the page numbers in the table of contents (Attachment 4-CCP Radiography Batch Data Report [BDR] table of Contents and batch narrative) for BDR # OR-RTR6-0402 was not recorded. While evaluating records, the audit team reviewed a total of 12 BDRs and only one error was identified.
- CDA 2: During the evaluation of AK, the audit team identified as inconsistency with the AK Summary on Waste Form, Waste Material Parameters, Prohibited Items and Packaging form, Attachment 6, regarding the potential for heat-sealed bags in waste stream OR-GENR-CH-HET and an omission on the AK Source Documentation Checklist, Attachment 1, regarding the availability of AK Source Documents that fit into the category of additional AK Information recorded in Section S4, waste packaging records, and Section S15, NMMA inventory records.

Attached are NMED's general comments based upon review of the Audit Report. These are provided to guide future audit report preparation and to assist the Permittees in understanding NMED's concerns.

NMED notes the audit report explains that characterization activities at ORNL/CCP were suspended at the end of July 2011 and because of this the audit team was unable to evaluate HSG sampling, RTR and VE characterization activities in the field, or verify personnel and equipment were available to continue characterization activities. The audit report goes on to say, "For this

reason, the audit team was unable to determine the implementation and effectiveness of characterization procedures for HSG sampling, RTR, VE...; therefore, these processes were deemed indeterminate.”

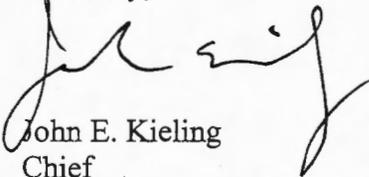
As stated in the March 2, 2012 letter from NMED, audits must be performed at least annually and when waste characterization activities resume at ORNL, an audit must be performed to evaluate the waste characterization activities before ORNL/CCP can certify waste has been properly characterized using data generated after July 2011.

NMED concludes that this Audit Report demonstrates that ORNL/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittee's Final Audit Report for ORNL/CCP Audit A-12-08 for certification CH and RH S5000 debris waste and CH S4000 soil/gravel wastes, and amends Audit Report A-11-08 issued by NMED on June 17, 2011 to include the waste forms and processes evaluated by this final audit.

This Audit Report approval is of the broad programmatic implementation of waste characterization requirements at ORNL/CCP, and does not constitute approval of individual waste characterization procedures, nor condone inappropriate applications of those procedures. This approval does 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 Trais Kliphuis at (505) 476-6051.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:tlk

cc: Jim Davis, Director, NMED RPD
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
Thomas Kesterson, NMED DOEOB
Julia Marple, NMED, DOEOB

Paul Sloan, TDEC
John Owsley, TDEC DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
Don Hancock, SRIC
Joni Arends, CCNS
File: Red WIPP '12

NMED COMMENTS ON THE
OAK RIDGE NATIONAL LABORATORY/CENTRAL
CHARACTERIZATION PROJECT (ORNL/CCP) AUDIT A-12-08

NMED's review indicated that the body of the Audit Report and the C6 checklists generally appear to address the applicable elements. NMED provides the following comments for the Permittees consideration:

1. The Executive Summary (Section 1.0) of the Audit Report did not indicate whether the waste types were retrievably stored and/or newly generated.
2. Question 58 of the C6 Checklist indicated that the citation given, CCP-TP-001, Section 4.4 answers the question. The question refers to procedures being in place to ensure that project level reports are compiled into Characterization Information Summaries. The citation is incorrect. The correct citation should be CCP-TP-002, Section 4.4
3. Question 235 of the C6 Checklist indicated that the citation given, CCP-TP-053, (All) answers the question. Another citation that answers the question more precisely is CCP-TP-001, Section 3.1.