



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT



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

DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Division Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 13, 2012

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

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

**RE: NMED REVIEW OF FINAL AUDIT REPORT,
HANFORD SITE/CENTRAL CHARACTERIZATION PROJECT, AUDIT A-12-11
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

On November 1, 2012, The New Mexico Environment Department (NMED) received the Final Audit Report of the Hanford Site/Central Characterization Project (**Hanford/CCP**) Audit Number A-12-11 (**Audit Report**), from the Department of Energy's Carlsbad Field Office (**CBFO**). CBFO and Nuclear Waste Partnership LLC (**the Permittees**) are 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.

NMED representatives observed the audit on May 15-16, 2012 in Carlsbad, New Mexico. NMED's examination of 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**]) is ongoing.

The audit report indicates that there were four Observations and one Recommendation.



NMED is requesting clarification regarding one of the Observations documented in section 7.1 of the final audit report:

- Observation 4: During the review of HSG sampling BDRs, the audit team identified a concern indicating some confusion regarding how NCRs are referenced in applicable BDRs. NCR-ECL-3289-11 was initiated at the INL as a result of two sample monitoring thermometers that were found by laboratory personnel to be faulty upon receipt of the Hanford/CCP samples. The NCR originator (INL/CCP Laboratory personnel) referenced BDR RLHSG1109 (a Hanford/CCP HSG sampling BDR) in block 3 of the NCR, as opposed to the INL/CCP Laboratory BDRs ECL11028M and ECL11028G. Upon further review of BDR RLHSG1109 and associated checklists, the audit team determined there was no reference to the NCR. When the auditor questioned the SPM about the reference to the NCR, the SPM revised the BDR checklist to indicate "Yes" and added the reference to NCR-ECL-3289-11.

Further investigation revealed that in the INL/CCP Laboratory BDRs associated with HSG sampling (BDRs ECL11028M and ECL11028G), the SPM accurately captured the NCR information. It was also confirmed by the auditors that NCR-ECL-3289-11 was appropriately captured in the WDS.

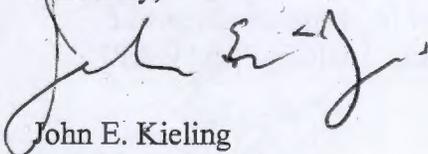
Specifically, NMED is requesting clarification regarding why the concern was determined to be an observation and not a deficiency. CBFO MP 10.3 AUDITS defines a deficiency as "any failure to comply with an applicable requirement". Deficiencies are referenced as conditions adverse to quality (CAQs) and Observations defined as conditions that, if not controlled, could result in a CAQ, according to section 6.0 of the final audit report. Observation 4 states, "When the auditor questioned the SPM about the reference to the NCR, the SPM revised the BDR checklist to indicate YES and added the reference to NCR-ECL-3289-11."

If the SPM "revised" the BDR, would this concern not be considered an isolated deficiency that was corrected during the audit (CDA)?

As NMED is requesting additional information, in accordance with 20.4.2.201.B (5) NMAC, the review of the Hanford/CCP Final Audit Report will be put on hold until the Permittees provide a response.

If you have any questions regarding this matter, please contact me at (505) 476-6035 or Trais Kliphuis at (505) 476-6051.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

Messrs. Franco and Sharif
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Cc: Jim Davis, Director, NMED RPD
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
Thomas Kesterson, NMED DOEOB
Julia Marple, MED, DOEOB
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