



NEW MEXICO
ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 18, 2013

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
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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, LOS ALAMOS NATIONAL
LABORATORY/CENTRAL CHARACTERIZATION PROJECT AUDIT A-12-12 &
ARGONNE NATIONAL LABORATORY/ CENTRAL CHARACTERIZATION PROJECT
AUDIT A-12-16
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

On December 4, 2012, The New Mexico Environment Department (NMED) received the Final Audit Report of the Los Alamos National laboratory/Central Characterization Project (LANL/CCP) Audit Number A-12-12 and on December 20, 2012 NMED received the Final Audit Report of the Argonne National Lab/Central Characterization Project (ANL/CCP) Audit Number A-12-16 (Audit Reports), from the Department of Energy's Carlsbad Field Office (CBFO). CBFO and Nuclear Waste Partnership, LLC (the Permittees) were required to submit these Audit Reports under the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit as specified in Permit Section 2.3.2.3.

NMED representatives observed the LANL/CCP audit on July 24-26, 2012 and the ANL/CCP audit on August 28-30, 2012. NMED is examining the Audit Reports for evidence of compliance

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with the requirements of Permit Sections 2.3.2 (Audit and Surveillance Program) and 2.3.1 (Waste Analysis Plan [WAP]).

The LANL/CCP audit report indicates that there were three Conditions Adverse to Quality (CAQs) resulting in Corrective Action Reports (CARs); three Observations (conditions that, if not controlled, could result in conditions adverse to quality) and one Recommendation (a suggestion that is directed toward identifying opportunities for improvement and enhancing methods of implementing requirements).

NMED is requesting additional information regarding Observation 2 from the LANL/CCP audit:

- Observation 2: This Observation consists of three similar instances involving LANL/CCP management inattention to detail and failure to follow established procedures as described below.
 1. NCR-LANL-0972 was incorrectly recorded on the RTR data sheet for Container S803940 in BDR LA-RTR2-12-0066.
 2. Four sample selection container replacement memoranda were written incorrectly (CP:11:1802, CP:11:1803, CP:11:1804, and CP:11:1805). The memoranda stated that the random selections were for solids when they were actually for headspace gas.
 3. In BDRs 2LANDA0832 and 3LANDA0063, question 19 of the CCP SPM Nondestructive Assay Project Level Validation Checklist and Summary was answered "N/A." However, no justification was recorded in the comment/qualifier section as required.

These instances reflect similar management issues identified during the recertification audit recently performed at the INL/CCP (Audit A-12-13) June 11-14, 2012. The conditions identified during Audit A-12-13 were documented in CBFO CARs 12-026 and 12-027. Because the response, extent-of-condition evaluation, and corrective actions to address and correct these CARs are being developed by CCP management, the conditions identified during this audit are being classified as an Observation. The evaluation of the corrective action plans to address CARs 12-026 and 12-027 will be evaluated to ensure that they include adequate extent-of-condition evaluation for CCP management at each host site location.

The ANL/CCP audit report indicates that there were two CAQs resulting in CARs, two Observations and two Recommendations.

NMED is requesting additional information regarding Observation 1 from the ANL/CCP audit:

- Observation 1: This Observation consists of three similar instances involving CCP management inattention to detail and failure to follow established procedures as described below.
 1. Although the SPM review was completed for BDR RHANLDG12004, it was completed and documented using CCP-TP-513, Attachment 3, Dimensional/Gravimetric Independent Technical Reviewer (ITR) Checklist. The information and questions on the two checklists are the same; however, the checklists are not interchangeable.
 2. During the review of BDR ANLRHVE12008, it was discovered that the VE operators listed items in the Waste Description section of Attachment 1, Visual Examination Data Form, that are not identified in the AK Summary Report (CCP- AK-ANLE-500, Rev. 10). The VE operators listed the subject items as "Clearboy" containers; however, the AK Summary Report only lists container descriptors for these containers as Chemical Waste Processing Containers (CWPCs), carboys, and liquid bulking containers (LBCs).

Additionally, the audit team found two instances of different Waste Material Parameters (WMPs) being recorded for the "Clearboy" containers on Attachment 1, Visual Examination Data Form, for container RW 48260. Further interviews with VE personnel disclosed that these containers should be listed as "Plastics (P)."
 3. SPM checklist for VE BDR RHANLVE100015 was not complete. For Question 3, "Is the BDR complete (appropriately filled in forms for each container)?" neither "No" nor "Yes" was checked.

These instances reflect similar management issues identified during the recertification audit recently performed at INL/CCP (Audit A-12-13, June 11 -14, 2012). The conditions identified during Audit A-12-13 were documented in CBFO CARs 12-026 and 12-027, which are in the process of being resolved.

Because the response, extent-of-condition evaluation, and corrective actions to address and correct this issue are being developed by CCP management, the conditions identified during the audit are being classified as Observations. The evaluation of the corrective action plans to address CARs 12-026 and 12-027 will be evaluated to ensure that they include an adequate extent-of-condition evaluation for CCP management at each host site location.

Messrs. Franco and Sharif

January 18, 2013

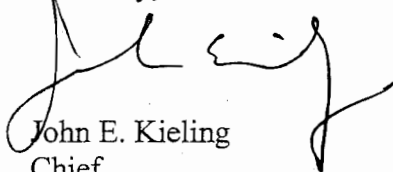
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Specifically, NMED is requesting documentation that the response, extent-of-condition evaluation, and corrective actions to address and correct the above referenced CARs that were issued at INL/CCP, adequately addresses the concerns that were discovered during the LANL/CCP and ANL/CCP audits.

Because NMED is requesting additional information, in accordance with 20.4.2.201.B (5) NMAC, the review of the LANL/CCP and ANL/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 Trais Kliphuis at (505) 476-6051.

Sincerely,



John E. Kieling

Chief

Hazardous Waste Bureau

JEK:tlk

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