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Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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 ENTERED



DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

THOMAS SKIBITSKI
Acting Director
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 20, 2013

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 December 13, 2012 The New Mexico Environment Department (NMED) sent a letter to the Department of Energy's Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (the Permittees) requesting clarification regarding an observation from the Hanford Site/Central Characterization Project (Hanford/CCP) Final Audit Report A-12-11. Specifically, NMED requested clarification regarding why the concern was determined to be an observation and not a deficiency. As NMED was requesting additional information, in accordance with 20.4.2.201.B (5) NMAC, the review of the Hanford/CCP Final Audit Report was put on hold.

NMED received a written response, letter dated February 11, 2013, from the Permittees on February 14, 2013. The response states: "It was then and is now the CBFO's position that this issue did not arise to the level of a deficiency affecting the quality of the program because we do



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not believe that there was a 'failure to comply with a requirement', but rather a 'marginally acceptable' identification of a Nonconformance Report (NCR)."

This response and more particularly, the discussions during our subsequent meeting on March 6, 2013 with CBFO Quality Assurance personnel addresses NMED's concern. NMED approval of Hanford/CCP A-12-11 will follow under separate cover.

The Permittee's February 11, 2013 written response goes on to state: "In response to this request and as a result of our previous discussions regarding issues management, the CBFO proposes to implement a revision to MP 10.3." and "the CBFO issues management system is being revised and will include the tracking and trending of all issues identified at certification/recertification audits in order to address issues proactively instead of reacting to issues after they have reached the level of a CAR." Provide the current status of the revisions mentioned above to NMED in writing no later than May 3, 2013.

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

Sincerely,



John E. Kielling
Chief
Hazardous Waste Bureau

Cc: Dave Cobrain, NMED HWB
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
File: Red WIPP '13