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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 20, 2013

Jose Franco, Manager
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Department of Energy
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M. Farok Sharif, Project Manager
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Carlsbad, New Mexico 88221-5608

**RE: NMED APPROVAL 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**) 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 Hanford/CCP waste characterization processes for retrievably stored contact-handled (CH) Summary Category Group (SCG) S5000 debris waste and CH SCG S3000 solids waste, relative to the WIPP Permit.

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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 Hanford/CCP standard operating procedures for characterization of the waste category listed above (hardcopy and electronic)
- Objective evidence examined during the audit:
 - General information
 - Acceptable Knowledge (AK)
 - Headspace Gas Sampling (HSG)
 - Solids Sampling (SS)
 - Real-time Radiography (RTR)
 - Visual Examination (VE)

NMED representatives observed the audit on May 15-16, 2012. 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 four 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).

- Observation 1: The audit team discovered that the electronic media containing AK historical source documents M367 and P606, which are QA records associated with AK Summary Report CCP-AK-RL-114, could not be found during the audit. However, these files were located on the WIPP Garrison back-up server. The audit team verified the electronic media was included in CCP Records.
- Observation 2: The draft WSPF for waste stream RLCCPPUNIT lacks the characterization data necessary to complete the DQO reconciliation checklist and the table addressing the absence of prohibited items. In addition, there is an inconsistency between the number of containers in this waste stream and the WSPF and the Summary of Aspects section of the WSPF package. To avoid a CAQ, these items must be addressed in the version submitted for approval.
- Observation 3: While reviewing the two VE BDRs (RLVEPF0035 and RLVEPF0036) the audit team noticed the sequential numbering of the BDRs was not in compliance with the procedure. The SPM recorded the condition on an internal NCR to accurately document the numbering sequence. The VE recorded in BDR RLVEPF0036 was actually performed prior to the VE recorded in BDR RLVEPF0035. The audit team verified the VE activities were performed in sequence; however, the BDR numbers were incorrect.
- 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.

- Recommendation 1: The audit team recommended that additions be made to the freeze files for Hanford/CCP AK summaries for waste streams RLCCPPUNIT and RLCCP308D1 to include changing the term "confirmation" to "characterization" and adding a footnote to the Waste Material Parameter Weight Estimate table regarding the potential for skewing the data with the disposal of pipe over-packs; for waste stream RLCCP308D1, changing the number of containers from 114 to 113; and for waste stream RLCCPPUNIT, revising the total number of containers in the waste stream to 68.

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 Hanford/CCP were suspended at the end of September 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 state, "For this reason, these processes were deemed indeterminate."

On December 13, 2012 NMED sent a letter to the Permittees requesting clarification regarding Observation 4 above. 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 Audit Report was put on hold.

NMED received a written response, letter dated February 11, 2013, from the Permittees on February 14, 2013. This response and more particularly, the discussions during our subsequent meeting on March 6, 2013 with CBFO Quality Assurance personnel have addressed NMED's concern.

NMED concludes that this Audit Report demonstrates that Hanford/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the

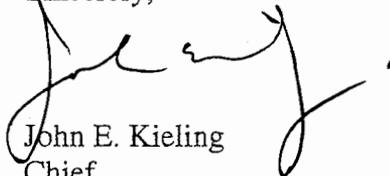
Permittee's Final Audit Report for Hanford/CCP Audit A-12-11 for certification CH S5000 debris waste and S3000 solids waste, and amends Audit Report A-11-10 issued by NMED on July 20, 2011 to include the waste forms and processes evaluated by this final audit.

This Audit Report approval is of the broad programmatic implementation of waste characterization requirements at Hanford/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.

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

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: Dave Cobrain, NMED HWB
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NMED COMMENTS ON THE
HANFORD SITE /CENTRALCHARACTERIZATION PROJECT
(HANFORD/CCP) AUDIT A-12-11

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 Content Map lists AK38: Site-wide discrepancy resolution DR37. The document was not included in Attachment 4 objective evidence.
2. The Content Map lists HSG5: List of Qualified Individuals. The document was not included in Attachment 4 objective evidence. HSG6: NCR-ECL-3289-11 is included in Attachment 4 but is mislabeled as HSG5.
3. Section 7.1 Observations of the Final Audit Report lists Observations 3 and 4. Observation 3 is referenced as Observation 4 in section 5.4.6 Visual Examination and Observation 4 is referenced as Observation 3 in section 5.4.4 Headspace Gas Sampling.
4. Question 201 of the C6 Checklist indicates that the citation given, CCP-TP-106, Attachment 3, Item #15 answers the question. This question refers to the utilization of a field reference. The citation given discusses equipment and tools. The correct citation should be CCP-TP-106, Attachment 3, Item #7.