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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 18, 2013

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Department of Energy
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M. Farok Sharif, Project Manager
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**RE: NMED APPROVAL OF FINAL AUDIT REPORT, LOS ALAMOS NATIONAL
LABORATORY/CENTRAL CHARACTERIZATION PROJECT AUDIT A-12-12
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 (**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 annual recertification audit was to ensure the continued adequacy, implementation, and effectiveness of the LANL/CCP waste characterization processes for retrievably stored contact-handled (CH) Summary Category Group (SCG) S3000 homogeneous solids and CH SCG S5000 debris waste, relative to the WIPP Permit. The Office of the National TRU Program (NTP) requested that the audit team also evaluate the characterization processes for CH SCG S4000 soils/gravel waste for initial certification.



The report states that the audit team was unable to determine the adequacy, implementation, and effectiveness of the characterization of CH SCG S4000 soils/gravels waste because the team was not provided with any completed characterization packages. The audit team reviewed the preliminary acceptable knowledge documentation, the real-time radiography, and nondestructive assay characterization of S4000 waste, and reviewed a random selection memo. All were deemed to be adequate.

The report goes on to say that because no completed batch data reports for LANL S4000 waste were provided to the team for evaluation, the audit team concluded that characterization activities of LANL/CCP for CH SCG S4000 soils/gravels waste were indeterminate and that when additional documentation is available for review, it would be evaluated by surveillance.

NMED is aware that CBFO Surveillance S-13-18, LANL/CCP Solids Sampling and Analysis of CH SCG S4000 Soils/Gravels Waste was subsequently conducted on January 10, 2013 and no concerns were identified per the January 15, 2013 CBFO letter to CCP. NMED will observe activities associated with SCG S4000 Soils/Gravels Waste during the next LANL/CCP audit for initial certification.

The LANL/CCP A-12-12 Audit Report consisted of the following items:

- A narrative report (hardcopy and electronic)
- Copies of relevant Permit Attachment C6 checklists (hardcopy and electronic)
- Final LANL/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)
 - Real-time Radiography (RTR)
 - Visual Examination (VE)

NMED representatives observed the audit on July 24-26, 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 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).

- CBFO CAR 12-033: The audit team identified multiple documentation errors and deviations from procedure that indicate a condition of overall CCP management inattention to detail and failure to follow procedures. Examples are listed below.

Item 1 (Personnel Qualification and Training Program-Concern 1)

During the review of qualification cards for multiple disciplines, the audit team noted that the SPM signature approving the employee to perform the duties related to the qualification card was not the signature of the designated Lead or Alternate SPM. The Lead and Alternate SPM identified in the most current correspondence from the CCP Manager provided to the audit team are no longer assigned to LANL/CCP.

Item 2 (Personnel Qualification and Training-Concern 2)

During the review of VE qualification cards, the audit team noted that the SPM signature approving the employee to perform duties related to the qualification card is dated to the verification performed by CCP Training of completion of briefings and the comprehensive exam.

Item 3 (Nonconformance Reporting-Concern 3)

During the review of Nonconformance Reports (NCRs), the audit team noted Instructions for Completion (Block 19b) for NCR-LANL-1004-12, Rev. 0, had not been completed prior to Final Disposition Approval. The team also noted that in NCR-LANL-1010-12, Rev. 0, Corrective Actions (Block 19c) was marked N/A, but is required to be completed for Rework.

Item 4 (Nonconformance Reporting-Concern 4)

During the review of NCR-LANL-1010-12, Rev. 0, the audit team noted that the Batch Data Report (BDR) was reworked to resolve the nonconforming item prior to the NCR being written. Specifically, data generation-level personnel made changes to the documentation of the packaging configuration and the Independent Technical Review (ITR) re-reviewed the BDR (LAHSG1202). These actions are part of the instructions for completion associated with the final disposition of the NCR.

- CBFO CAR 12-034: In VE BDRs LAVE500468 and LAVE500502, the audit team noted that question 24 on Attachment 1 to CCP-TP-001 (SPM Checklist) asks: "Is the size of the rigid liner vent hole recorded to determine the appropriate Drum Age Criteria (DAC)? N/A if no liner lid." In both BDRs, the question was answered "N/A" and a comment was included noting "No Liner Lid." However, the VE Data Forms for containers 89320 (LAVE500468) and 91720 (LAVE500502) were annotated: "Yes," and "Rigid Liner Lid Was Present." The audit team asked for four additional BDRs, two each bracketing each

of the identified discrepant BDRs. Of those four additional BDRs, two were found to be discrepant.

- **CBFO CAR 12-035:** During the CCP review of the completed BDR LAHSG1202, discrepancies were noted. In the Packaging Configuration Group Number field of Attachment 2, Sample Container Data Form, the package configuration was recorded incorrectly. This led to Permit-required equilibrium time also being recorded incorrectly. However, the containers still met requirements after the DACs and package configuration were corrected. The original closure date of the BDR was April 26, 2012. An internal NCR (NCR-LANL1010-12) was issued on July 23, 2012, after the containers had been shipped to WIPP for disposal.
The CBFO Office of Quality Assurance has determined that this issue is similar to the issue documented in NCR-SRS-0823-12, which was identified on July 2, 2012. In NCP-SRS-0823-12, standard waste boxes were assigned packaging configuration group 3, which is a group for 55-gallon drums, instead of required packaging configuration group 5 of 6 applicable to SWBs.
- **Observation 1:** During the review of WIPP Waste Information System/Waste Data System (WWIS/WDS) data packages LAS833690, LAS833672, and LA00000055114, it was identified that some of the data (container type and shipping category) on the WDS Mater Template.xls were different from the data on the WDS container report. The data were changed in the WWIS/WDS database, but were not updated in the records package or the WDS Master Template.xls.
- **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.

- Observation 3: During the RTR scan of container 66460, the RTR operator identified an item that appeared to be a battery as part of the container contents. The item (battery) was not identified as waste in the AK summary waste description.
- Recommendation 1: AK Summary CCP-AK-LANL-009, Rev. 7, for the waste stream LA-MHD03.001 inadvertently omitted the entry in the chemical identification and use table for 1, 4-dichlorobenzene, along with the Hazardous Waste Number (HWN) assignment D027. This HWN assignment is appropriate and is included in the summary listing of HWNs for this stream. The previous revision of the AK summary has the chemical listed.

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.

On January 18, 2013 NMED submitted a letter to the Permittees requesting additional information and, in accordance with 20.4.2.201.B (5) NMAC, the review of LANL/CCP Final Audit Report was put on hold. Specifically, NMED requested documentation that the actions to address and correct concerns from the Idaho National Lab/CCP A-12-13 audit adequately addressed concerns from the LANL/CCP A-12-12 and Argonne National Lab/CCP A-12-16 audits.

NMED received a written response, dated April 12, 2013, from the Permittees on April 18, 2013. The response states "... it has been determined that the extent-of-condition did not adequately address each identified management-related concern in the LANL/CCP and ANL/CCP recertification audits... the individual concerns identified in the two Observations were not documented as being specifically addressed. Accordingly, the Carlsbad Field Office is now in the process of evaluating the additional information and documented Observations raised in other recent recertification audits to determine appropriateness of categorization and whether additional corrective action is necessary."

The response goes on to state, "For the two Observations identified at the LANL/CCP and ANL/CCP and questioned in your [January 18, 2013] letter, the evaluations have determined that none of the concerns resulted in any non-compliance with the Hazardous Waste Facility Permit Waste Analysis Plan (WAP). The following table displays the ANL and LANL WAP applicability determinations." Under the Description of Concern column in the referenced table each concern states, "Rationale: This concern does not violate a specific WAP requirement, therefore it is not WAP related."

The WIPP Permit WAP consists of Permit Attachment C through Attachment C7. Permit Section C3-4b(1), Site Project Manager Review, states, "The Site Project Manager Review is the final validation that all of the data contained in Batch Data Reports from the data generation level are complete and have been properly reviewed as evidenced by signature release and completed checklists. One hundred percent of the Batch Data Reports must have Site Project Manager signature release. At a minimum, the Site Project Manager signature release must be performed before any waste associated with the data reviewed is managed, stored, or disposed at WIPP. This signature release must ensure the following:

- Batch Data Review Checklists are complete
- Batch Data Reports are complete and data are properly reported (e.g., data are reported in the correct units, and with the correct number of significant figures).

NMED concludes that this Audit Report demonstrates that LANL/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittee's Final Audit Report for LANL/CCP Audit A-12-12 for the recertification of CH S5000 debris waste and S3000 solids and amends Audit Report A-11-11, issued by NMED on September 23, 2011, to include the waste forms and processes evaluated by this recertification audit.

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

Messrs. Franco and Sharif
April 18, 2013
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If you have any questions regarding this matter, please contact Trais Kliphuis at (505) 476-6051.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and "K".

John E. Kieling
Chief
Hazardous Waste Bureau

cc: Dave Cobrain, NMED HWB
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
Thomas Kesterson, NMED DOEOB
Julia Marple, NMED, DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
File: Red WIPP '13

NMED COMMENTS ON THE
LOS ALAMOS NATIONAL LABORATORY /CENTRAL CHARACTERIZATION
PROJECT (LANL/CCP) FINAL AUDIT REPORT A-12-12

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 does not mention nor list the Corrective Action Reports Documentation that was included as part of the objective evidence of this audit report. A revised Content Map should be submitted.
2. The final audit report does not address: Results of previous audits; Changes in programs or operations; New programs or activities being implemented, Changes in key personnel. The audit report must be revised to address these areas as required in Section C6-3 of the Permit and must be resubmitted to NMED within 90 days from receipt of this letter.
3. It must be noted that the internal nonconformance report, NCR-LANL-1010-12, mentioned in CBFO CAR 12-035, was closed on July 31, 2012 as documented in the CCP Closure Package for CBFO CAR 12-035 that was included as objective evidence. The status of this NCR in the final audit report would be helpful. Any information on "out-of-the ordinary" occurrences that are Permit related and fall within the scope of the audit should be discussed in the audit report. No action is necessary as this comment serves as guidance for future audit reports.
4. Audit report, Section 6.3 Observations, Observation 2, Number 1, is written: "NCR-LANL-0972 was incorrectly recorded on the RTR data sheet for Container S803940 in BDR LA-RTR2-12-0066." This should have been written as: "NCR-LANL-0972-12 was incorrectly written as NCR-LANL-0972..." No action is necessary as this comment serves as clarification.
5. Question 127 of the C6 Checklist was left blank.
6. The Permittees must make careful WAP compliance determinations that are thoroughly justified. The Permittees must expand their April 12, 2013 response to address Permit Section C3-4b(1) in regards to the concern from BDR LA-RTR2-12-0066. The Permittees must submit their expanded response to NMED within 90 days from receipt of this letter.