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NEW MEXICO
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 8, 2013

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3100

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, OAK RIDGE NATIONAL
LABORATORY/CENTRAL CHARACTERIZATION PROJECT AUDIT A-13-12
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs, Franco and Sharif:

On May 24, 2013, The New Mexico Environment Department (NMED) received the Final Audit Report of the Oak Ridge National Laboratory/Central Characterization Project (ORNL/CCP) Audit Number A-13-12 (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 final audit was to ensure the adequacy, implementation, and effectiveness of the ORNL/CCP waste characterization processes for contact-handled (CH) and remote handled (RH) Summary Category Group (SCG) S5000 debris waste and CH SCG S4000 soils/gravel wastes, relative to the WIPP Permit.



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The Audit Report consisted of the following items:

- A narrative report
- Copies of relevant Permit Attachment C6 Checklists

No objective evidence was included as no waste characterization activities have been performed by ORNL/CCP since the last CBFO recertification audit (A-12-08).

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]). NMED notes the audit report explains that characterization activities at ORNL/CCP were suspended at the end of July 2011 and have not resumed. The audit report further explains, "As the result of Recertification Audit A-12-08 conducted in 2012, the CBFO suspended authorization for the characterization, certification, and shipment of TRU waste from ORNL due to funding issues. The current audit results [A-13-12] have confirmed that CCP operations at ORNL have been suspended and no TRU waste characterization activities have been performed at the ORNL since the previous audit."

The audit report goes on to say, "Since ORNL/CCP suspended waste characterization activities at the ORNL, the audit team was unable to determine the adequacy of the program plans and procedures, the implementation of plans and procedures, and the effectiveness of characterization activities. Therefore, the adequacy, implementation, and effectiveness of all aspects of the ORNL/CCP waste characterization activities continue to be indeterminate."

As stated in the March 2, 2012 letter from John Kieling, then Acting Chief, NMED Hazardous Waste Bureau, to Jose Franco, Manager, Carlsbad Field Office, NMED clarified that DOE must continue to perform audits of the ORNL/CCP characterization activities, and further directed: "If DOE cannot determine that the ORNL/CCP meets requirements in Section 2.3.2.1 of the Permit, the Permittees shall manage, store, or dispose waste from ORNL/CCP at WIPP, as required by Section 2.3.2 of the Permit. Further, once waste characterization operations resume at ORNL, DOE must conduct a full site-specific audit at ORNL before waste shipments can be sent to ORNL from WIPP."

This Audit Report review is of the broad programmatic implementation of waste characterization requirements at ORNL/CCP, and does not constitute approval of individual waste characterization procedures, nor condone inappropriate applications of those procedures. This review does not relieve the Permittees of their obligation to comply with the requirements of the permit or other applicable laws and regulations.

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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', with a stylized flourish at the end.

John E. Kieling
Chief
Hazardous Waste Bureau

cc: Tom Blaine, NMED EHD
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
Coleman Smith, NMED HWB
Thomas Kesterson, NMED DOEOB
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Connie Walker, Trinity Engineering
File: Red WIPP '13