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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 20, 2013

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
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Carlsbad, New Mexico 88221-3090

M. Farok Sharif, Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**RE: NMED APPROVAL OF THE LOS ALAMOS NATIONAL LABORATORY/CENTRAL
CHARACTERIZATION PROJECT FINAL AUDIT REPORT, AUDIT A-13-23
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

On November 6, 2013, 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-13-23 (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 recertification audit was to ensure the continued adequacy, implementation, and effectiveness of the LANL/CCP waste characterization for contact-handled Summary Category Groups (SCGs) S3000 homogeneous solids, S4000 soils/gravel, and S5000 debris wastes relative to the requirements of the WIPP Permit.



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

NMED Representatives observed the audit on July 23-25, 2013. 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 the audit team identified four concerns during the audit that are discussed in the Interim Audit Report. No conditions adverse to quality regarding WAP or Permit requirements were identified in the Final Audit Report.

On May 30, 2013 the Permittees submitted a letter to NMED that summarized clarifications with regards to, "... the New Mexico Environment Department (NMED) expectations regarding the recent modifications to the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (HWFP), the implementation of those modifications by the waste generator sites (i.e., CCP and AMWTP), and the performance of subsequent recertification audits (by CBFO and CTAC)". The letter clarified that, "The CBFO and NMED expect that waste characterization activities and generated data are evaluated for compliance with the requirements in effect at the time. Through April 12, 2013, the previous C6 checklists (those from the HWFP dated May 8, 2012) will be used for headspace gas, and solid sampling and analysis. The C6 checklists from the HWFP (dated March 13, 2013) will be used for the other areas to be reviewed (i.e., real time radiography, visual examination, etc.)".

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 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-13-23 and amends the previous Audit

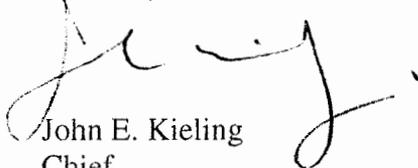
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Report, A-12-12 issued by NMED on April 18, 2013 to include only those waste forms and processes evaluated by this recertification audit.

This Audit Report approval is of 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.

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: Tom Blaine, Director, NMED EHD
Trais Kliphuis, NMED HWB
Steve Holmes, NMED HWB
Ricardo Maestas, NMED HWB
Coleman Smith, NMED HWB
Susan Lucas-Kamat, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
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NMED COMMENTS ON THE LANL/CCP FINAL AUDIT REPORT A-13-23

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 comment for the Permittees consideration:

The C6 Checklist Version Dated May 8, 2012

1. Questions 9, 149, and 162 of the C6 Checklist indicate that the procedure given, CCP-TP-120, answers the question. Procedure CCP-TP-120 was not included in the Audit Report in hardcopy or electronically.
2. Question 44 of the C6 Checklist indicates that the procedural citation, CCP-QP-005, Section 4.4.1[D.3] answers the question. In Revision 22 (the Revision that was in effect for the May 8, 2012 Version of the Permit) this citation does not exist. The correct citation should be CCP-QP-005, Section 4.3.1[D.3] for Revision 22 of the procedure.
3. Questions 68 and 69 of the C6 Checklist indicate that the procedural citation given, CCP-PO-002, Section 5.5 answers the question. This procedure was not included in the Audit Report in hardcopy or electronically.
4. Question 144 of the C6 Checklist has the following comment in the Comment column: "ANL/CCP only performs HSG sampling. Analysis is performed by INL." ANL/CCP should be replaced with LANL/CCP.
5. Question 144 Part F of the C6 Checklist was answered with N/A. The question asks if there are procedures to ensure radiography and visual examination include a list of prohibited items that the operator could identify to verify that these items are not present in the container. For radiography, CCP-TP-053, Table 1 is a list of prohibited items and for visual examination, CCP-TP-113, Table 1 is also a list of prohibited items. These should be included in Question 144.

The C6 Checklist Version Dated March 13, 2013

1. Questions 9 and 149 of the C6 Checklist indicates that the procedural citation given, CCP-TP-120 was not included in the Audit Report in hardcopy or electronically.
2. Questions 26, 31, 32, 33, 34, 35, 36, 37, 59, 70, 144, 296, 297, 298, 300, 301, 304, 304a, and 314 of the C6 Checklist indicate that the procedure given, CCP-TP-069, answers the question. The procedure, CCP-TP-069 was not included in the Audit Report in hardcopy or electronically.
3. Question 44 of the C6 Checklist instructs the reader to refer to the May 8, 2012 Checklist. Provided question 44 of the May 8, 2012 is corrected (#2 in section above) the response to this question is acceptable.
4. Questions 68 and 69 of the C6 Checklist instructs the reader to refer to the May 8, 2012 Checklist. Provided questions 68 and 69 of the May 8, 2012 are corrected (#3 in section above) the responses to these questions are acceptable.

Clarification to "Section 5.4.4 Headspace Gas Checklist (May 8, 2012)" of the narrative report

- Fourth paragraph reads "[Headspace Gas] HSG sampling and analysis were performed at the [Idaho National Labs] INL until the Permit modification of March 13, 2013. Certification audits of INL analytical programs and processes were performed annually."

With regard to LANL, headspace gas sampling is performed on site. Those samples are then shipped to Idaho National Labs for analysis. The current Permit no longer requires HSG sampling and analysis.

Additional comments regarding AK summary reports

In CCP-AK-LANL-010, Revision 5, on page 63 there is a misspelled word, "builing" and it should be "building".

In CCP-AK-LANL-006, revision 12, on page 95 there are two misspelled words, "sillica", which should be "silica" and "accelerator" which should be "accelerator".

In CCP-AK-LANL-014, Revision 1, on page 35, there is a misspelled word, "Inaddition" which be the two words "In addition".

Review Process Notes (for informational purposes):

For the May 8, 2012 version of the Audit Report, the following procedures were utilized:

CCP-PO-001, Rev. 20; CCP-QP-005, Rev. 22; CCP-TP-005, Rev. 24;
CCP-TP-028, Rev. 7; CCP-TP-030, Rev. 31; CCP-TP-033, Rev. 19;
CCP-TP-093, Rev. 15; and CCP-TP-162, Rev. 1.

For the March 13, 2013 version of the Audit Report, the following procedures were utilized:

CCP-PO-001, Rev. 21; CCP-QP-005, REV. 23; CCP-TP-005, Rev. 25;
CCP-TP-028, Rev. 8; CCP-TP-030, Rev. 32; CCP-TP-033, Rev. 20;
CCP-TP-093, Rev 17; and CCP-TP-162, Rev. 2.