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Director

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 25, 2014

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

Robert L. McQuinn, Project Manager  
Nuclear Waste Partnership, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: NMED APPROVAL OF THE OAK RIDGE NATIONAL LABORATORY/CENTRAL  
CHARACTERIZATION PROGRAM FINAL AUDIT REPORT, AUDIT A-14-03  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and McQuinn:

On March 11, 2014, 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-14-03 (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 audit was to ensure the adequacy, implementation, and effectiveness of the ORNL/CCP waste characterization for contact-handled (CH) Summary Category Groups (SCGs) S3000 homogeneous solids, S4000 soils/gravel and S5000 debris wastes and remote-handled (RH) SCG S5000 debris waste relative to the requirements of the WIPP Permit.

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At the request of the CBFO National TRU Program, this audit evaluated new processes for the characterization of CH S3000 homogenous solids waste and RTR unit #7 for the processing of CH SCG S3000 homogeneous solids, SCG S4000 soils/gravel, and SCG S5000 debris waste. NMED notes that this audit also conducted an initial certification for S3000 CH TRU waste stream, OR-NFS-CH-HOM-A.

The Audit Report consisted of the following items:

- A narrative report (hardcopy and electronic)
- Final ORNL/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)
  - Real-time Radiography (RTR)
  - Visual Examination (VE)

NMED Representatives observed the audit on January 14 through 16, 2014. 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 indicated that there were five concerns identified during the audit, as described in the interim audit report. There were no concerns identified that were associated with Permit requirements.

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 that Audit A-13-12, conducted April 23-25, 2013, report explains that characterization activities at ORNL/CCP were suspended at the end of July 2011 and were not resumed. The Audit A-13-12 report further explained, "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 the ORNL due to funding issues. The current audit [A-13-12] results have confirmed that CCP operations at the ORNL have been suspended and no TRU waste characterization activities have been performed at the ORNL since the previous audit."

The Audit A-13-12 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

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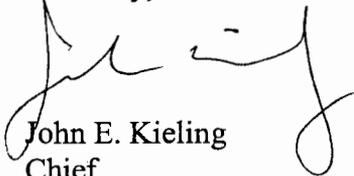
characterization activities. Therefore, the adequacy, implementation, and effectiveness of all aspects of the ORNL/CCP waste characterization activities continue to be indeterminate". As stated in the March 2, 2012 letter from John Kieling, then Acting Chief, NMED Hazardous Waste Bureau, to Jose Franco, 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."

NMED concludes that this Audit Report demonstrates that ORNL/CCP has implemented the applicable characterization requirements of the WAP. NMED approves the Permittees' Audit Report for ORNL/CCP Audit A-14-04 and amends the previous Audit Report approval for characterization, A-12-08 issued by NMED on October 5, 2012 to include only those waste forms and processes evaluated by this recertification audit. NMED therefore recognizes that ORNL/CCP may continue characterization and resume shipments to WIPP.

This Audit Report approval 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 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  
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File: Red WIPP '14

**NMED COMMENTS ON THE**  
**OAK RIDGE NATIONAL LABORATORY/ CENTRAL CHARACTERIZATION**  
**PROJECT (ORNL/CCP) FINAL AUDIT REPORT A-14-03**

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:

1. Question 56 of the C6 Checklist indicates that the citation given, CCP-TP-002, Section 4.3 answers the question. CCP-TP-002, Attachment 2, in addition to Section 4.3 would be a more complete answer to the question.
2. Questions 56a and 58 of the C6 Checklist indicate that the citation given, CCP-TP-002, Section 4.4 answers the question. CCP-TP-002, Attachment 3, in addition to Section 4.4 would be a more complete answer to the question.
3. The Final Audit Report does not include a section for Observations and Recommendations as all past reports do.
4. The Content Map erroneously mentions "SRS/CCP Implementing Procedures" in both the introduction and the list of color coded folders.