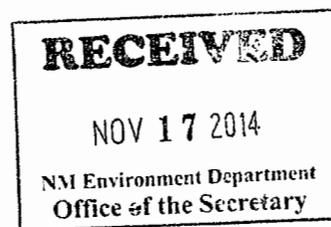


Ryan Flynn, New Mexico's environment secretary
New Mexico Environment Department

Harold Runnels Building
1190 St. Francis Dr. Suite N4050
Santa Fe, NM 87505



Re: Accountability of Portage (CTAC) Contractor Role in the WIPP incident

Dear Mr. Flynn,

As a concerned New Mexico stakeholder, I would like to raise a concern about the WIPP issue that has affected us so negatively. In particular, I am extremely concerned about the CTAC contractor (Portage) going around boasting to Carlsbad stakeholders that they have excellent performance in the CTAC contract, which tells me that DOE CBFO has not made them accountable for their responsibility as the QA branch of CBFO to identify issues with the generators and with the operations at WIPP. It is almost unbelievable to me that DOE would give them a good performance in light of their responsibilities and in light of what has happened at WIPP.

Portage, as the CTAC contractor is responsible to perform audits and surveillances of the generators and to identify any deficiencies in the generators programs. Portage scope in the CTAC contract includes:

“Certification Audits, Surveillances, and Assessments of TRU Waste Generating Site Activities

The contractor shall perform annual recertification audits at each waste generating site that is actively shipping waste to WIPP and an initial certification audit at each waste generating site that is preparing to ship waste to WIPP in order to verify regulatory and permit compliance of site processes and procedures.”

“Audits, Surveillances, and Assessments of WIPP Quality-Related Activities

The contractor shall perform QA audits of WIPP quality-related activities at least twice each year to verify regulatory and permit compliance of site processes and procedures. The contractor shall perform the audits, document audit results and findings in the CBFO corrective action tracking system, and deliver draft final audit reports to CBFO for approval and issuance. The contractor shall verify closure of audit findings. The contractor shall also conduct surveillances and other assessments as necessary.”

“Audits, Surveillances, and Assessments of National Laboratory Quality-Related Activities.

The contractor shall perform annual QA audits, surveillances, and other assessments of national laboratory activities that support WIPP. These audits, surveillances, and other assessments shall cover quality-related activities in the areas of, but not limited to, performance assessment modeling, data collection, maintenance of the baseline inventory report of TRU waste inventory, QA program elements, and all activities performed in support



of the Compliance Recertification Process required by 40 CFR 194 and in support of renewal of the Hazardous Waste Facility Permit issued by the State of New Mexico. The contractor shall perform audits, document audit results and findings in the CBFO corrective action tracking system, and deliver draft final audit reports to CBFO QA for approval and issuance. The contractor shall verify closure of audit findings. The contractor shall also conduct surveillances and assessments as necessary.”

“Audits, and Surveillances of TRU Waste Transportation Quality-Related Activities

The contractor shall perform QA audits of WIPP transportation carriers, shipping packages, and related fleet equipment. The contractor shall perform audits, document results and findings in the CBFO corrective action tracking system, and deliver draft final audit reports to CBFO QA for approval and issuance. The contractor shall verify closure of audit findings. The contractor shall also conduct surveillances as necessary”.

In light of what has happened at WIPP, it is clear that Portage did not properly identify the issues that caused the recent events. DOE should make the people responsible for this situation that is affecting livelihoods accountable for their role in this situation. Certainly, for the people affected by all this, to hear that Portage boasting of the excellent performance appraisals from DOE, and that they are not being held accountable, but that they are being given an excellent performance is an outrage. We hope the State will make sure that everyone responsible for these failures is held accountable.

I have also sent a letter to the DOE Inspector General to ask them to investigate this matter further.

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