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*State of New Mexico*  
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RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

December 16, 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: STATUS OF THE LOS ALAMOS NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROGRAM FINAL AUDIT REPORT, AUDIT A-14-19 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and McQuinn:

On October 27, 2014, 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-14-19 (“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 LANL/CCP waste characterization for contact-handled (“CH”) Summary Category Groups S4000 (soils/gravel) and S5000 (debris) wastes relative to the requirements of the WIPP Permit. The Audit was conducted at LANL on August 19-21, 2014.

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The Audit Report consisted of the following items:

- A narrative report (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)
  - Real-time Radiography (RTR)
  - Visual Examination (VE)

NMED Representatives observed the audit on August 19-21, 2014. The audit report states, "The audit team evaluated the programs, procedures, and processes for characterizing ... wastes, excluding wastes processed through the Waste Characterization, Reduction, and Repackaging Facility (WCRRF). SCG S3000 waste was not evaluated during this audit because characterization activities associated with TRU waste disposition of SCG S3000 and all wastes processed at the WCRRF were suspended. (Reference: Memorandum CBFO:NTP:JRSLMAG:14-1947, dated July 16, 2014). Upon completion of the investigation and the implementation of required corrective actions, the CBFO will conduct an audit to re-evaluate SCG S3000 waste characterization activities at LANL/CCP. A final audit report will be submitted to the NMED prior to lifting the suspension of waste characterization activities for SCG S3000."

On February 14, 2014, a LANL S3000 container was implicated in the release event at WIPP. Since then the US Department of Energy has and is currently investigating the causes which led to the release, including the breakdown in communication between the Permittees and LANL.

On December 6, 2014, NMED issued the Permittees Administrative Compliance Order HWB-14-21 ("ACO 14-21"). Paragraphs 120 and 121 of ACO 14-21 provide that:

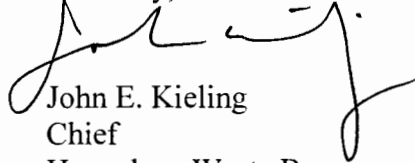
120. *"No later than 60 days after this Order becomes final, the Respondents shall provide to NMED a summary of potential modifications to procedural and non-procedural documents necessary to prevent any recurrence of violations described herein, including but not limited to:*
- a) *Procedures that ensure that the Respondents develop or revise methodologies to ensure that documentation related to the Permit Conditions cited within this Order (e.g., Acceptable Knowledge documents, changes in waste management procedures, waste generation, waste treatment, waste packaging, waste repackaging, waste remediation, waste stream delineation, and waste characterization procedures) is accurate, sufficient, and up-to-date. The procedures shall address the implementation of a series of reviews and communications within and between appropriate groups (e.g., Respondents, Central Characterization Program ("CCP"), Difficult Waste Team, subcontractors, generator sites, and site subcontractors);*

*121. No later than 60 days after this Order becomes final, the Respondents shall revise and submit to NMED the Interface Agreements between CCP and all generator sites to ensure that the appropriate organizations and subject matter experts communicate effectively and timely regarding changes in waste management procedures, waste generation, waste treatment, waste packaging, waste repackaging, waste remediation, waste stream delineation, and waste characterization procedures.”*

NMED hereby suspends review of the LANL/CCP Final Audit Report until such time that the Permittees have demonstrated compliance with ACO 14-21, Paragraphs 120 and 121, and the resolution of WAP related communication issues between the Permittees and generator sites that may have been discovered during any formal and informal investigations.

If you have any questions regarding this matter, please contact Ricardo Maestas at (505) 476-6050 or myself at (505) 476-6035.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: B. Tongate, Deputy Secretary NMED  
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