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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 19, 2017

Todd A. Shrader, Manager
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Department of Energy
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Phillip J. Breidenbach, Project Manager
Nuclear Waste Partnership, LLC
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RE: NMED APPROVAL OF THE LOS ALAMOS NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROGRAM (LANL/CCP) FINAL AUDIT REPORTS, AUDIT A-14-19, AUDIT A-15-21, AND AUDIT A-16-19 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Messrs. Shrader and Breidenbach:

On December 16, 2014 and March 05, 2015, the Hazardous Waste Bureau of the New Mexico Environment Department (NMED) notified the Department of Energy's Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP) (collectively the Permittees) of its decision to suspend the review and approval of final audit reports that had been submitted to NMED, and memorialized that all future final audit report reviews would be suspended until such time that there was compliance with, or resolution of, Administrative Compliance Order (ACO) 14-21. On February 28, 2017, NMED notified the Permittees that review of final audit reports would once again commence as a result of NMED's review of corrective actions that were taken by the Permittees in accordance with the January 22, 2016 Stipulated Final Order and Settlement Agreement associated with ACO 14-21. This letter addresses the final audit reports from the Los Alamos National Laboratory/Central Characterization Program (LANL/CCP).

NMED received the Final Audit Report for Audit A-14-19 on October 27, 2014, in a letter dated October 23, 2014, the Final Audit Report for Audit A-15-21 on December 10, 2015, in a letter dated December 9, 2015, and the Final Audit Report for Audit A-16-19 on August 12, 2016, in a



letter dated August 9, 2016. The Permittees were required to submit the Audit Reports under the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit), as specified in Permit Section 2.3.2.3.

The intended scopes of Audits A-14-19, A-15-21, and A-16-19 were to ensure the continued adequacy, implementation, and effectiveness of the LANL/CCP waste characterization for contact-handled (CH) Summary Category Groups (SCG) S4000 soils/gravels and SCG S5000 debris wastes relative to the requirements of the WIPP Permit. According to the Final Audit Reports, SCG S3000 solids waste or any other wastes processed through the Waste Characterization, Reduction, and Repackaging Facility (WCRRF) were not included in the scopes for Audits A-14-19, A-15-21, and A-16-19, since TRU waste characterization activities at the WCRRF have been suspended since July of 2014. Upon completion of investigation activities and the implementation of required corrective actions, CBFO will conduct an audit to re-evaluate SCG S3000 solids waste characterization activities in the WCRRF at LANL.

NMED representatives observed Audit A-14-19 on August 19-21, 2014, Audit A-15-21 on September 1-3, 2015, and Audit A-16-19 on May 17-19, 2016. Additionally, NMED representatives examined the Audit Reports for evidence of compliance with the requirements of Permit Sections 2.3.1 (Waste Analysis Plan [WAP]) and 2.3.2 (Audit and Surveillance Program).

LANL/CCP Audit A-14-19

According to Final Audit Report A-14-19, the audit team verified that LANL/CCP for characterization and certification activities continues to be adequate, satisfactorily implemented, and effective. The audit team identified no WAP-related concerns during the audit. One WAP-related observation was identified in Acceptable knowledge (AK), specifically in the preparation of AK accuracy reports.

- Observation 1: Two AK accuracy reports were reviewed for the two waste streams examined during the audit: LA-MSG04.001 (SCG S4000) and LA-MHD09.001 (SCG S5000). The review revealed that the accuracy reports lacked the identification of one container in each stream that was removed from the waste stream during characterization. It appears that these containers should have been identified as a discrepancy for AK accuracy. However, after discussion with responsible personnel, it was determined that the current practice only addresses discrepancies identified after the initial approval of the Waste Stream Profile Form (WSPF). Section 4.6 of procedure CCP-TP-005, *CCP Acceptable Knowledge Documentation*, which describes this process, needs to be examined and revised as necessary to more accurately prescribe the current practice used.

Interim Audit Report A-14-19, issued by CBFO on September 19, 2014, identified three non-WAP-related recommendations during the audit related to updating procedures in training and updating an AK Summary Report.

NMED concludes that Final Audit Report A-14-19 demonstrates that LANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable time frame.

LANL/CCP Audit A-15-21

According to Final Audit Report A-15-21, the audit team verified that LANL/CCP for characterization and certification activities continues to be adequate, satisfactorily implemented, and effective. The audit team evaluated the enhanced LANL/CCP Interface program, which includes the interfaces, roles, responsibilities, and program requirements applicable to both organizations in support of CCP waste characterization activities at LANL with no concerns identified. The audit team identified no WAP-related concerns during the audit.

Interim Audit Report A-15-21, issued by CBFO on December 9, 2015, identified three non-WAP-related concerns, consisting of one Corrective Action Report (CAR) related to an inconsistency in a discrepancy resolution report and two concerns that were corrected during the audit (CDA), related to discrepancies in a checklist and an AK Summary Report.

NMED concludes that Final Audit Report A-15-21 demonstrates that LANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable time frame.

LANL/CCP Audit A-16-19

According to Final Audit Report A-16-19, the audit team verified that LANL/CCP for characterization and certification activities continues to be adequate, satisfactorily implemented, and effective. The audit team evaluated the enhanced LANL/CCP Interface program, which includes the interfaces, roles, responsibilities, and program requirements applicable to both organizations in support of CCP waste characterization activities at LANL with no concerns identified. The audit team also performed a review of AK Attachment 9, *Interface Waste Management Documents List (IWMDL)*, for the newly generated waste container population of waste stream LA-MHD01.001. This was a significant review in the AK process evaluation portion of this audit. The IWMDL requirement was a major addition to procedure CCP-TP-005, *CCP Acceptable Knowledge Documentation*. The objective is to work with the site to develop and maintain "a current list of generator site plans, procedures, and reports associated with current waste management and packaging (e.g., waste management, waste generation, waste treatment, waste packaging, waste repackaging, waste remediation, waste stream delineation, and waste characterization procedures)" that have the ability to affect waste stream characterization and certification activities. Each LANL procedure or guidance document was reviewed for relevance, and documentation of the required CCP "walk down" of each document was noted.

Also, noted in the Final Audit Report was an additional significant review activity that addressed an approved AK Assessment (AKA) for debris waste stream LA-MHD04.001 from Technical Area (TA)-21 activities. Although this waste stream was not included in the AK audit evaluation, it has a close association with the TA-21 soils/gravel waste stream LA-MSG04.001 that was reviewed. In addition, it provided an example of the application of the requirement designed "to

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ensure that the AK documentation relating to the management of potentially reactive, corrosive, ignitable, and incompatible TRU waste materials is adequate, current, and accurately described in existing AK Summary Reports." An examination of the document was performed, including the appropriate application of the procedure, supporting references, and conclusions reached. All questions were satisfactorily addressed. The audit team identified no WAP-related concerns during the audit.

Interim Audit Report A-16-19, issued by CBFO on June 8, 2016, identified two non-WAP-related concerns during the audit. One observation was identified related to operator guidance documents, and one recommendation was offered for management consideration related to updating a quality procedure.

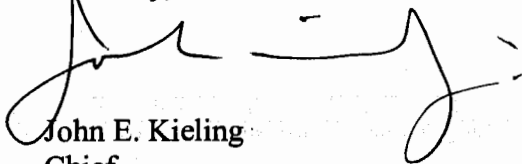
NMED concludes that Final Audit Report A-16-19 demonstrates that LANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable time frame.

Based on NMEDs reviews and conclusions noted hereinabove, NMED hereby approves LANL/CCP Final Audit Report A-14-19, LANL/CCP Final Audit Report A-15-21, and LANL/CCP Final Audit Report A-16-19. However, NMED will review the status and progress of WAP-related concerns during the next LANL/CCP Audit. NMED also amends the previous final audit report approval for Final Audit Report A-13-23 issued by NMED on December 20, 2013, to include only those waste forms and processes evaluated by these recertification audits.

The audit report approvals for Final Audit Report A-14-19, Final Audit Report A-15-21, and Final Audit Report A-16-19 are approvals of the broad programmatic implementation of waste characterization requirements at LANL/CCP, and do not constitute approval of individual waste characterization procedures, or inappropriate applications of those procedures. These approvals do 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 Ricardo Maestas at (505) 476-6050.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB
D. Biswell, NMED HWB
S. Lucas-Kamat, NMED DOE/OB
L. King, EPA Region 6

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T. Peake, EPA ORIA
File: WIPP '17