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CERTIFIED MAIL - RETURN RECEIPT REQUESTED



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Cabinet Secretary

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October 15, 2019

Kirk Lachman, Acting Manager
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Department of Energy
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Sean Dunagan, Project Manager
Nuclear Waste Partnership, LLC
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RE: NMED APPROVAL OF THE OAK RIDGE NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROGRAM (ORNL/CCP) FINAL AUDIT REPORT A-19-16 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Messrs. Lachman and Dunagan:

On June 26, 2019, the New Mexico Environment Department ("NMED") received the Final Audit Report of the Oak Ridge National Laboratory/Central Characterization Program ("ORNL/CCP") Audit A-19-16, in a letter dated June 25, 2019. The Department of Energy's Carlsbad Field Office ("DOE") and Nuclear Waste Partnership, LLC ("NWP") (collectively the "Permittees") were required to submit the Audit Report under the Waste Isolation Pilot Plant ("WIPP") Hazardous Waste Facility Permit ("Permit"), as specified in Permit Part 2, Section 2.3.2.3.

The intended scope of Audit A-19-16 was to ensure the continued adequacy, implementation, and effectiveness of the ORNL/CCP waste characterization process for contact-handled ("CH") and remote-handled ("RH") Summary Category Groups ("SCGs") S4000 soils/gravel and S5000 debris wastes relative to the requirements of the WIPP Permit.

The Final Audit Report consisted of the following items:

- A narrative report;
- Completed copies of the relevant Permit Attachment C6 checklists;
- List of final ORNL/CCP standard operating procedures; and

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- Objective evidence examined during the audit.

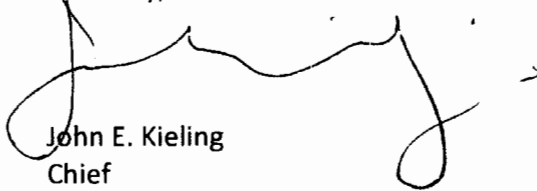
NMED representatives observed Audit A-19-16 on April 23-25, 2019. Additionally, NMED has examined the Final Audit Report for evidence of compliance with the requirements of Permit Part 2, Sections 2.3.1 [Waste Analysis Plan ("WAP")] and 2.3.2 (Audit and Surveillance Program).

Attached are NMED's general comments and conclusions based upon observation of the audit and review of the Final Audit Report. NMED notes that the ORNL/CCP Final Audit Report for Audit A-19-16 is the first final audit report submitted under a revised report format where both WAP and Non-WAP information is summarized. Based on NMED's review and conclusions, NMED hereby approves ORNL/CCP Final Audit Report A-19-16 and amends the previous final audit report approval for Final Audit Report A-18-13 issued by NMED on July 15, 2019, to include only those waste forms and processes evaluated by this recertification audit.

This final audit report approval is an approval of the broad programmatic implementation of WAP related waste characterization requirements at ORNL/CCP and does not constitute approval of individual waste characterization procedures, or 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 Ricardo Maestas of my staff at (505) 476-6050.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB
D. Biswell, NMED HWB
M. McLean, NMED HWB
B. Masse, NMED DOE/OB
L. King, EPA Region 6
T. Peake, EPA ORIA
File: WIPP '19

NMED Comments and Conclusions for ORNL/CCP Final Audit Report A-19-16

NMED notes that the ORNL/CCP Final Audit Report for Audit A-19-16 is the first final audit report submitted under a revised report format where both WAP and Non-WAP information is summarized.

Final Audit Report A-19-16, issued by DOE on June 25, 2019, indicated that the audit team identified no WAP-related concerns during the audit. Eight non-WAP-related concerns were identified with five resulting in the issuance of corrective action reports ("CARs") and three were determined to be isolated cases requiring only remedial action that were corrected during the audit ("CDAs"). The audit team offered seven recommendations for management consideration. For the waste streams reviewed by the audit team from RH SCGs S4000 soils/gravel waste and S5000 debris waste, not all elements of enhanced Acceptable Knowledge ("AK") were complete at the time of the audit. Although some elements of enhanced AK were not completed for each waste stream evaluated, the information provided and reviewed demonstrated that the AK requirements in the WAP were satisfactorily implemented, and effective in achieving the desired results.

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