



*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**



***Hazardous Waste Bureau***

SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)

BUTCH TONGATE  
Cabinet Secretary  
BRUCE YURDIN  
Acting Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

November 7, 2018

Todd A. Shrader, Manager  
Carlsbad Field Office  
Department of Energy  
P.O. Box 3090  
Carlsbad, New Mexico 88221-3090

Bruce C. Covert, Project Manager  
Nuclear Waste Partnership, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: NMED APPROVAL OF THE ARGONNE NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROGRAM (ANL/CCP) FINAL AUDIT REPORTS, AUDIT A-14-20, AUDIT A-15-24, AUDIT A-17-08, AND AUDIT A-17-25 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

On December 16, 2014 and March 05, 2015, the New Mexico Environment Department (“NMED”) notified the US Department of Energy (“DOE”) 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 Argonne National Laboratory/Central Characterization Program (“ANL/CCP”).

NMED received the Final Audit Report for Audit A-14-20 on November 6, 2014, in a letter dated November 4, 2014, the Final Audit Report for Audit A-15-24 on November 30, 2015, in a letter dated November 25, 2015, the Final Audit Report for Audit A-17-08 on January 26, 2017,

in a letter dated January 25, 2017, and the Final Audit Report for Audit A-17-25 on October 11, 2017, in a letter dated October 11, 2017. The Permittees were required to submit these Final 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 scope of Audits A-14-20, A-15-24, A-17-08 and A-17-25 were to ensure the continued adequacy, implementation, and effectiveness of the ANL/CCP waste characterization for remote-handled (“RH”) Summary Category Group (“SCG”) S5000 debris wastes relative to the requirements of the WIPP Permit.

The Final Audit Reports consisted of the following items:

- A narrative report;
- Completed copies of the relevant Permit Attachment C6 checklists
- List of final ANL/CCP standard operating procedures; and
- Objective evidence examined during the audit.

NMED representatives observed Audit A-14-20 on September 16-18, 2014, Audit A-15-24 on September 29-October 1, 2015, Audit A-17-08 on November 1-3, 2016, and Audit A-17-25 on August 15-17, 2017. Additionally, NMED has examined the Final 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).

Attached are NMED’s general comments and conclusions based upon observation of the audits and reviews of the Final Audit Reports. Based on NMED’s reviews and conclusions, NMED hereby approves ANL/CCP Final Audit Report A-14-20, Final Audit Report A-15-24, Final Audit Report A-17-08, and Final Audit Report A-17-25. NMED also amends the previous final audit report approval for Final Audit Report A-13-24 issued by NMED on January 9, 2014, to include only those waste forms and processes evaluated by these recertification audits. It is NMED’s understanding, based on discussions with the Permittees, that that DOE will be conducting a surveillance to verify that enhanced Acceptable Knowledge (“AK”) processes at ANL/CCP have been completed before DOE approves ANL/CCP to commence waste shipments to WIPP. NMED requests a copy of the surveillance report, once issued, for our records.

The audit report approvals for Final Audit Report A-14-20, Final Audit Report A-15-24, Final Audit Report A-17-08, and Final Audit Report A-17-25 are approvals of the broad programmatic implementation of waste characterization requirements at ANL/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.

Messrs. Shrader and Covert

November 9, 2018

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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  
S. Lucas-Kamat, NMED DOE/OB  
L. King, EPA Region 6  
T. Peake, EPA ORIA  
File: WIPP 2018

**NMED Comments and Conclusions for the ANL/CCP  
Final Audit Reports A-14-20, A-15-24, A-17-08, A-17-25**

**ANL/CCP Audit A-14-20**

Interim Audit Report A-14-20, issued by DOE on October 3, 2014, indicated that the audit team identified three non-WAP-related concerns, two of which were determined to be conditions adverse to quality (“CAQ”) resulting in issuance of corrective action reports (“CARs”). The remaining concern resulted in a Recommendation to ANL/CCP management.

Final Audit Report A-14-20, issued by DOE on November 4, 2014, verified that the ANL/CCP program for waste characterization and certification activities continues to be adequate, satisfactorily implemented, and effective with regard to Permit requirements. The audit team identified no WAP-related concerns or deficiencies during the audit.

NMED concludes that Final Audit Report A-14-20 demonstrates that ANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable timeframe.

**ANL/CCP Audit A-15-24**

Interim Audit Report A-15-24, issued by DOE on October 21, 2015, indicated that the audit team identified two non-WAP-related concerns. One concern was determined to be a CAQ resulting in issuance of CAR. The remaining concern resulted in an Observation.

Final Audit Report A-15-24, issued by DOE on November 25, 2015, verified that the ANL/CCP program for waste characterization and certification activities continues to be adequate, satisfactorily implemented, and effective with regard to Permit requirements. The audit team identified no WAP-related concerns or deficiencies during the audit.

NMED concludes that Final Audit Report A-15-24 demonstrates that ANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable timeframe.

**ANL/CCP Audit A-17-08**

Interim Audit Report A-17-08, issued by DOE on November 17, 2016, indicated that the audit team identified two non-WAP-related concerns during the audit resulting in one Observation and one Recommendation.

Final Audit Report A-17-08, issued by DOE on January 26, 2017, indicates no WAP-related deficiencies regarding Permit Table C6-2 were identified during the audit. The AK auditors concluded that with respect to the AK requirements in the WIPP Permit WAP, the CCP processes, procedures reviewed, and objective evidence assembled applicable to the three waste streams examined provided evidence confirming that the applicable requirements for AK are adequately established for compliance with upper tier requirements. However, evidence of all completed requisite enhanced AK products was not provided for review and the audit team concluded that until all enhanced AK requirements are implemented, the AK process

implementation and effectiveness must be deemed indeterminate. NMED understands, based on recent discussions, that DOE will be conducting a surveillance to verify the enhanced AK process at ANL/CCP have been completed before DOE approves ANL/CCP to commence waste shipments.

Final Audit Report A-17-08 verified that the ANL/CCP program for waste characterization and certification activities continues to be adequate, satisfactorily implemented, and effective with regard to Permit requirements. The audit team identified no WAP-related concerns or deficiencies during the audit.

NMED concludes that Final Audit Report A-17-08 demonstrates that ANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable timeframe.

#### **ANL/CCP Audit A-17-25**

Interim Audit Report A-17-25, issued by DOE on September 13, 2017, indicates that the audit team identified four non-WAP-related concerns during the audit. One concern resulted in issuance of a CAR, and another concern was Corrected During the Audit ("CDA"). The remaining two concerns resulted in one Observation and one Recommendation.

Final Audit Report A-17-25, issued by DOE on October 11, 2017, indicates no WAP-related deficiencies regarding Permit Table C6-2 were identified during the audit. The AK auditors concluded that with respect to the AK requirements in the WIPP Permit WAP, the CCP processes, procedures reviewed, and objective evidence assembled applicable to the three waste streams examined provided evidence confirming that the applicable requirements for AK are adequately established for compliance with upper tier requirements. However, evidence of all completed requisite enhanced AK products was not provided for review and the audit team concluded that until all enhanced AK requirements are implemented, the AK process implementation and effectiveness must be deemed indeterminate. NMED understands, based on recent discussions, that DOE will be conducting a surveillance to verify the enhanced AK process at ANL/CCP have been completed before DOE approves ANL/CCP to commence waste shipments.

Final Audit Report A-17-25 verified that the ANL/CCP program for waste characterization and certification activities continues to be adequate, satisfactorily implemented, and effective with regard to Permit requirements. The audit team identified no WAP-related concerns or deficiencies during the audit.

NMED concludes that Final Audit Report A-17-25 demonstrates that ANL/CCP has implemented the applicable characterization requirements of the WAP during the applicable timeframe.