



Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221

June 26, 2000

2000

RECEIVED

Lokesh Chaturvedi, Acting Director
Environmental Evaluation Group
7007 Wyoming Boulevard, NE, Suite F-2
Albuquerque, NM 87109

Dear Mr. Chaturvedi:

The EEG letter dated April 26, 2000 addresses concerns about the appropriateness of the Carlsbad Area Office memorandum (CAO:QA:SAV:00-0209 UFC 2300) dated January 18, 2000 that cancels sixteen Corrective Action Reports (CARs) issued against TRUtech, MCS, INEEL, and LANL. The following information is provided in response to those concerns.

CAO concurs with your initial discussion that cancellation is appropriate for CARs containing only CAO Quality Assurance Program Plan (QAPP) requirements not addressed in the Hazardous Waste Permit (HWP) Waste Analysis Plan (WAP), such as the INEEL CARs (99-060, -065, -066, -068, and -069). Once the sole source for a requirement is cancelled, it is appropriate that the CAR be closed. However, during the extensive program reengineering and redevelopment efforts associated with the implementation of the WAP, other CARs were identified that also no longer serve a useful purpose in managing the CAO WIPP Program.

It is important to note that the TRU waste sites were required to suspend their characterization and shipping activities in order to revamp their programs to comply with the WAP and prepare for the comprehensive reassessment and recertification of all characterization activities. Additionally, there has been no grandfathering of characterization data. Data existing prior to the implementation of the HWP cannot be used to ship waste to WIPP unless it can now be brought into full compliance with current WAP requirements. Therefore, pursuing resolution of CARs that focus on narrow issues with obsolete site programs and unqualified data is not useful or warranted, especially if the CARs were based on draft requirements or impromptu reinterpretations of existing requirements.

With respect to the CARs (98-049, -050, and 99-021, -030, -077, and -078) issued to TRUtech and MCS, CAO has halted the evaluation process for designation of these two companies as approved mobile vendors. The residual company entities may be contracted to WIPP to characterize waste, but under a WID QA program that will be certified by CAO at a later date. Therefore, CAO and EPA concerns with respect to MCS and TRUtech as independent waste characterization service providers are moot. It would serve no useful purpose to continue pursuing resolution of CARs relating to a role that the vendors will not now fulfill and/or addressing technologies that will not be used for WIPP

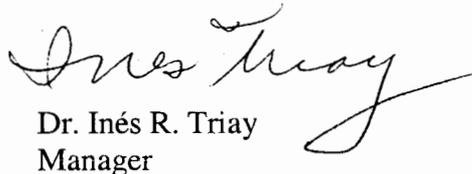


disposal activities. Data from mobile vendor characterization activities that were conducted under their own QA programs and that are affected by these CARs will not be used to ship waste to WIPP unless such data can be brought into full compliance with current requirements.

One LANL CAR (99-081) was issued as a result of an unsuccessful attempt to obtain certification for homogeneous solids during audit A-99-04. No homogeneous waste has been characterized or shipped from LANL. The majority of the LANL CARs (99-089, -090, 091, and -098) were written during A-99-22 which was an initial attempt to evaluate compliance with the draft WAP while continuing TRU waste characterization and shipping activities. As discussed above, it was later decided that the TRU waste sites characterization and shipping activities needed to be suspended and their programs completely revamped. Waste characterization and shipments have not been conducted subsequent to the effective date of the permit and existing data cannot be used unless it can now be brought into full compliance with current WAP requirements. Attached is specific information for each of the above LANL CARs that addresses some of the peripheral issues identified in your letter.

CAO will not close a CAR without appropriate cause, nor close a CAR that remains relevant to WIPP program activities. CAO is convinced that the closure of the 16 CARs at issue was appropriate and warranted.

Sincerely,



Dr. Inés R. Triay
Manager

Attachment

cc:

K. Watson, CAO

B. Stroud, CAO

M. Eagle, EPA

S. Zappe, NMED

B. Walker, EEG

J. Ptacek, CTAC

J. Schuetz, CTAC

DETAILED INFORMATION CONCERNING THE CLOSURE OF CAO CARS 99-081, -089, -090, -091, AND -098 ISSUED TO LANL AS A RESULT OF CAO AUDITS A-99-04 AND A-99-22

All of LANL's TRU waste shipments through 11/26/99 were non-mixed debris waste characterized and shipped under a program certification based on the results of certification audits A-97-07 and A-98-30. The certified LANL program did employ a number of the CAO approved equivalency options that were in force at the time. Waste characterizations and shipments made prior to 11/26/99 were conducted under these certifications.

The scope of Audit A-99-04 in June 1999 was to expand the LANL certification to include homogeneous wastes, and the TGS NDA systems. This was not successful and the homogeneous waste activities were evaluated as indeterminate. Corrective Action Reports (CARs) 99-081 was issued as a result of this audit. No homogeneous wastes have been characterized or shipped from LANL under this program.

The scope of Audit A-99-22 in July 1999 was to evaluate compliance with the Draft Hazardous Waste Permit. CARs 99-089, 99-090, 99-091, and 99-098 were issued as a result of this audit. Audit A-99-22 was unusual in that the site was audited to requirements contained in the draft Waste Analysis Plan (WAP) and draft B6 checklist. Deficiencies identified were then translated to the closest similar requirements language (or reinterpretation thereof) contained in the Quality Assurance Program Plan (QAPP), without reference to any of the CAO approved equivalencies that were in force at that time. This audit was a preemptive look at how the site's program would correspond to anticipated future WAP requirements. No mixed wastes have been characterized or shipped from LANL under this program.

Additional rationale for closure of each LANL CAR addressed in the EEG letter of 4/26/00 is provided below:

- a. CAR 99-081 (issued during A-99-04) dealt with the failure to recalculate the miscertification rate annually and a failure to meet the 28 day processing time limit for batch data reports. Both are related. LANL had continued Real-Time Radiography (RTR) activities but had suspended visual examinations and data package processing until an agreement could be reached with CAO concerning certain issues in the calculation method for the miscertification rate. LANL failed to meet the annual recalculation requirement and 28 day processing requirement, but did no work that might be affected by an improper calculation. There is no impact on characterization data. The 28 day requirement for processing batch data reports no longer exists and the miscertification rate requirements in the WAP differ substantially from the previous QAPP requirements. The re-engineered LANL program must be evaluated for compliance with the current WAP requirements prior to any future characterization and shipment of waste. Closure of this CAR was appropriate.
- b. CAR 99-089 (issued during A-99-22) dealt with the lack of formal procedures for evaluating Acceptable Knowledge (AK) Quality Assurance Objectives (QAO's), reporting of Tentatively Identified Compounds (TIC's), and quarterly repeats of generation level Verification and Validation (V&V). On 10/28/99 LANL submitted a corrective action plan for this CAR that reported the results of their investigative actions confirming that there was no impact on the data except for the reporting of TICs in the headspace gas data packages. CAO accepted this corrective action plan via a letter dated 12/17/99. The headspace gas analysis data that existed prior to the implementation of the HWP cannot be used to ship waste to WIPP unless it can now be brought into full compliance with current WAP requirements. The needed procedures must be developed as part of the re-engineered LANL program that must be fully audited prior to any future LANL waste characterization and shipment. Closure of this CAR was appropriate.
- c. CAR 99-090 (issued during A-99-22) dealt with the more stringent Draft WAP requirements for calculation, reporting, and documentation of QAOs. Regarding any actual waste shipments prior to the issuance of the final WAP, LANL was previously assessed and certified as compliant with the QAPP requirements and existing equivalencies relating to QAOs. The compliance of the re-engineered LANL program with current WAP requirements for QAOs must be fully implemented and evaluated prior to future characterization and shipment of waste. Closure of the CAR was appropriate.

- d. CAR 99-091 (issued during A-99-22) dealt with improper revisions to one Headspace Gas (HGAS) data package. The corrective action plan submitted by LANL on 10/28/99 identified the deficiency as an isolated occurrence, documented that a hold-tag was placed on the data package pending correction of the errors and retraining of the personnel. This plan was approved by CAO on 12/17/99. However, the headspace gas analysis data that existed prior to the implementation of the HWP cannot now be used to ship waste to WIPP unless it can be brought into full compliance with current WAP requirements and the re-engineered LANL program. Closure of this CAR was appropriate.
- e. CAR 99-098 (issued during A-99-22) dealt with the Draft WAP requirement for the RTR Operator to assign the waste Matrix Parameter Category and confirm Waste Matrix Codes. As was approved in past certification audits, LANL had previously accomplished these assignments at the project level. The re-engineered LANL program is being restructured to conduct these assignments at the RTR Operator level and their program must be audited for full compliance with the WAP prior future waste characterization/shipments. Closure of this CAR was appropriate.