



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544

WIPP File
7/5/00



PETER MAGGIORE
SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 5, 2000

Dr. Inés Triay
Manager, Carlsbad Area Office
Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221

Mr. Joe Epstein, General Manager
Westinghouse Waste Isolation Division
P.O. Box 2078
Carlsbad, New Mexico, 88221

RE: NMED COMMENTS ON REVISION 1 OF "DESCRIPTION OF THE PROCESS USED TO REVIEW PREEXISTING RTR AND VE DATA AT HANFORD" EPA No. NM4890139088

Dear Dr. Triay and Mr. Epstein:

The New Mexico Environment Department (NMED) has received your letter of June 22, 2000, transmitting a revised narrative of the process used by Hanford to demonstrate compliance of their radiography and visual examination data collected prior to issuance of the WIPP Hazardous Waste Facility Permit. NMED further understands, based upon a faxed letter received from you on July 3, 2000, that you request us to suspend consideration of this pre-existing data until you have developed a process for evaluating it that addresses our concerns.

Attached are NMED's general comments on the June 22, 2000, submittal which may assist you in this matter. If you have any questions regarding these comments, please contact me at (505) 827-1560, x1013.

Sincerely,

Steve Zappe
NMED WIPP Project Leader
Hazardous and Radioactive Materials Bureau

000705



Dr. Triay and Mr. Epstein

Page 2

July 5, 2000

cc: Greg Lewis, NMED WWMD
James Bearzi, NMED HRMB
John Kieling, NMED HRMB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
Connie Walker, TechLaw
Don Hancock, SRIC
File: Red WIPP '00

**General Comments on June 22, 2000 Submittal:
Description of the Process Used to Review Preexisting RTR and VE Data at Hanford
(Revision 1)**

The Revised Description included additional information that was very useful for NMED to assess the entire pre-existing data evaluation process. The overall pre-existing data assessment approach is logical, and many elements important to reassessing pre-existing data were performed by Hanford site personnel. However, a few items were not adequately addressed, resulting in data packages that are not fully technically or legally defensible. These include the following items:

- The reassessment process apparently did not include an “up front”, well documented WAP compliance analysis performed prior to evaluation of data which is necessary to show that the resulting comparison is thorough. Although the Revised Description included a procedure/WAP comparison which was very well written, the WAP compliance analysis should have been performed as part of the initial assessment process to demonstrate that WAP equivalency was examined completely prior to data re-evaluation, thus ensuring that the re-evaluation process was sufficiently thorough.
- The Revised Description indicates that DOE/Hanford now intends to request additional containers outside of the original Revision D4-E2 comparison be included in the pre-existing data package. If this is correct, a narrative or tabular comparison between each of the WRP1-OP-0908 revisions should be provided to ensure that the differences between each revision (i.e. C4-D4) and E2 were identified. For example, Rev. C4 (and possibly C6) may not address identification of liquids with respect to WAP requirements.
- The individual drum RTR forms were apparently re-created on or about June 19, 2000, and do not reflect actual individual drum review activities performed on the date that the drum was reassessed. Therefore, there is no documentation that each drum was actually re-evaluated on an individual basis using the RTR tapes. Although an affidavit was signed by the RTR operator/reviewer stating that each container had been reviewed, it appears that no documentation of this action on a drum basis was either created at that time or subsequently maintained.
- The VE Revised Description did not address the evaluation of pyrophorics, explosives, and incompatible items in either the corrective action response or the amended VE checklist. NMED acknowledges that the VE personnel signed affidavits that all WAP prohibited items were reviewed as part of the VE re-assessment and that the VE personnel were probably aware of prohibited items they were to look for. However, the without documentation that each prohibited item was examined, the review could be challenged on technical merit. The checklist should have included each prohibited item, making it completely clear

that the VE technician examined container contents for all required prohibited items.

- Attachment 4 included a WAP compliance checklist that, although apparently generated after the fact, appears thorough and comprehensive. However, Attachment 4 does not identically repeat the B6 checklist, but instead paraphrases WAP/B6 elements which somewhat complicates the review process. While site-specific flexibility can be used, the checklist should better mirror the B6 checklist (or should include B6 checklist element numbers in a separate column) so that the reader can quickly discern how all B6 checklist elements were addressed.

While these issues are likely “fixable”, they bring to question a larger concern regarding the overall approach to re-evaluating pre-existing data. The Hanford site chose to evaluate the pre-existing VE data in the form of a corrective action response. It also appears that the site acceptably followed the DOE CAR resolution process, but this process did not cover some elements which would ensure/demonstrate that pre-existing data has been characterized (or will be re-characterized) for WAP compliance. NMED completely understands the CAR process, and understands why pre-existing data were dealt with in this manner. However, the resulting resolution did not address some issues that NMED believes necessary when assessing the pre-existing data for WAP compliance. Based on the information received, it appears that the site did not initially evaluate some important WAP compliance elements which would support their WAP compliance demonstration for pre-existing data. Rather than asking for more information, it is more logical for NMED to suggest an overall outline that could be used as part of WAP compliance demonstrations for pre-existing data (without being unnecessarily prescriptive). NMED does not wish to examine each data package for WAP compliance, and if a detailed, logical methodology for demonstrating/achieving pre-existing data WAP compliance were presented, a single example of implementation would probably suffice. Consider the following general pre-existing data report outline (many of which were adequately addressed by Hanford):

1. Scope of Reassessment Process. Indicate the specific type of pre-existing data to be assessed, the applicable procedures, and the drums assessed using those procedures. Include applicable hazardous waste codes and the waste matrix code(s) for the drums identified. The description of the procedures should include the revision number and the effective dates of each procedure examined.

2. Identification of WAP Compliance.

- a. WAP Comparison using checklist or narrative form, referencing specific WAP/B6 checklist elements. This process helps document up-front WAP compliance analysis on a broad level and helps identify specific procedures/WAP elements of interest.

b. Procedural Comparison using a checklist, which can be included on the WAP Comparison checklist. This process identifies specific procedural elements that will be the focus of forthcoming pre-existing data reassessment activities.

c. Identification of discrepancies and assessment of such discrepancies within a procedure with respect to WAP compliance. Include drums and procedures impacted by discrepancies, the impact of each discrepancy on the waste characterization process, and the action needed to resolve each discrepancy to ensure WAP compliance.

3. Reassessment Process. Present the processes followed to resolve discrepancies identified in Item 2. This process should be detailed to the point wherein the specific checklists used to perform the reassessment are presented (i.e. blank forms emphasizing WAP compliance), as well as the specific reassessment process/procedure (e.g., criteria for modifying the characterization of a drum), problem resolution (e.g., rejecting pre-existing data if necessary), final documentation needs (e.g., single drum documentation required, including deficiencies), and identification and assessment of any additional changes made as a result of the re-evaluation. This Reassessment process should fully document the reassessment actions to be taken, as it will guide project personnel performing reassessment to ensure that all tasks are completely and accurately accomplished through consistent guidance.

4. Example of Implementation. Include a single example (e.g., container) of the Reassessment Process, showing how successful reassessment is achieved.