

**Subject: [Fwd: EEG Comments on recent RFETS Audit]**

**Date: Mon, 25 Mar 2002 13:43:30 -0700**

**From: William Fetner <William\_Fetner@nmenv.state.nm.us>**

**To: bwalker@eeg.org**

**CC: Steve Zappe <steve\_zappe@nmenv.state.nm.us>**



Ben:

For your information, below are my comments to Steve Zappe regarding your e-mail of 3/19/02 about newly-generated waste at RFETS. Please call me if you have any questions at 505-428-2520.

Thanks. Will.

Steve:

This is in response to Ben walkers' e-mail dated 3/19/02 regarding RFETS. I reviewed the e-mail and I agree with Ben that the HWFP very explicitly states that newly-generated waste has to be characterized by the visual examination technique and that generator sites, consequently, cannot default to the confirmatory process used for retrievable stored waste (RTR and VE as QC of RTR).

The following comments are strictly based on my observation of events that transpired during the February 2002 audit at RFETS (Audit A-02-07) which I believe may have prompted this issue. If I remember correctly, this issue surfaced due to a comment made by RFETS personnel present during an audit interview on February 7, 2002, regarding waste container travelers. Participants during that audit session were Steve Davies and Annabelle Axinn (CTAC), Ben Walker (EEG), at least two RFETS personnel, and I. Because I was concentrating on the review of a batch data report, I do not know exactly what prompted the discussion of the RTR vs. V2 issue on newly-generated waste and, as a result, I will have to assume that what Ben stated in his e-mail is accurate. At the time, however, I was under the impression that the reason the issue was raised was because RFETS personnel stated that if NMED did not approve the recently-audited visual verification technique (Audit A-02-05, November 2001) for newly-generated waste in a timely manner, RFETS could always default to the RTR and VE confirmatory process in order to start shipping their existing inventory. Either way, immediately upon RFETS' comment, Ben brought up his recollection of Connie Walker's standing on this issue (made during a past meeting with high-level RFETS personnel) and his own interpretation of the WAP. Later that afternoon I reviewed the HWFP language for newly-generated waste and told Ben that I fully agreed with his comments made earlier in the meeting. In the post-audit conference (February 8, 2002), I approached the RFETS person that made the RTR-in-lieu-of-V2 comment during the February 7 audit meeting (whose name escapes me) and explained to him that the permit clearly states that newly-generated waste should be characterized by the visual examination technique and that this waste should not be shipped to WIPP until NMED approves the technique as audited in November 2001 (Audit A-02-05). He appeared to understand and, as I understood, no shipments of newly-generated waste as of that date had been performed. The RFETS person emphasized once again that NMED should review and approve V2 as soon as possible (and I, once again, reminded him that NMED had just received the final audit report for Audit A-02-05 and that NMED would review it expeditiously and make a decision within the next couple of months).

My opinion why this issue was not identified by the audit team during Audit A-02-07 is because the latter decided during the audit not to review activities associated with newly-generated waste given that these

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activities had already been audited and the process is currently waiting agency review/approval. I do not recall the issue being brought up at any of the audit caucuses. I do not know if the audit team was aware at the time of any shipments made to WIPP of newly-generated waste (if any indeed had been done). This should be easy to confirm through WWIS and previously approved Waste Stream Profile Forms.

Let me know if you have any questions.

Will.

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**Subject: EEG Comments on recent RFETS Audit**

**Date:** Tue, 19 Mar 2002 12:43:44 -0700

**From:** Steve Zappe <Steve\_Zappe@nmenv.state.nm.us>

**Organization:** NMED Hazardous Waste Bureau

**To:** Will Fetner <William\_Fetner@nmenv.state.nm.us>

**CC:** Steve Holmes <Steve\_Holmes@nmenv.state.nm.us>,  
Phillis Stevens <Phillis\_Stevens@nmenv.state.nm.us>

Will -

What is your recollection of these issues brought up by Ben regarding RTR of newly generated waste? I assume you were present at the RTR portion of the audit, and that Phillis was at the AK portion...

Steve

----- Original Message -----

**Date:** Tue, 19 Mar 2002 12:23:45 -0700

**From:** BWalker@eeg.org

**To:** stevezappe@nmenv.state.nm.us

The CAR closure forms received from CTAC this morning (03-19-02) reminded me of issues from the audit related to characterization of newly generated waste that would seem to be of equal if not greater importance than these CARs, but was apparently not identified by the audit team.

The EEG observer report for the audit addressed these issues, but EEG management decided the report should not be provided to outside organizations. Below is the pertinent portion of the report, which is provided solely as background information. Since NMED personnel were present at the principal incident described, there would seem to be adequate information available within the NMED already, and this description merely provides a different viewpoint.

In the many years and many audits that I have been covering CAO/CBFO audits this is the first time I've raised an issue of this magnitude and had it ignored. This may be due to a reluctance of audit personnel to become involved in issues that might result in NMED actions, or it may be related to the recent reshuffling of the CBFO and CTAC QA management--or a combination of the two.

### **Physical Analysis of Newly Generated Waste**

During the auditing of the process for newly generated wastes, the auditor asked if the container weights determined during the newly generated waste visual verification process had been compared to the weights established during NDA. The response was that RFETS was using RTR of newly generated wastes, as the

visual verification process had yet to be approved, and that therefore the question was not applicable.

I questioned the use of RTR for newly generated wastes, pointing out some of the information contained in the next paragraph, and stating that RTR/VE was to be used only for retrievably stored wastes. In his response the interviewee stated that RFETS had already "shipped" newly generated wastes that had been characterized using RTR ("shipping" may have meant that the containers were moved to the staging area for shipment to the WIPP, rather than having been actually shipped to the WIPP).

RTR is a technique allowed for retrievably stored wastes, because other physical analysis techniques require safety concerns related to the opening of the waste containers. However, the HWFP makes it clear that newly generated wastes are to be characterized using visual examination techniques, not radiography. The Introduction to the WAP states "Newly generated TRU mixed waste shall be characterized as it is generated"; Section B-3d clearly differentiates between use of RTR/VE for retrievably stored wastes and visual techniques for newly generated wastes:

Radiography and/or VE will be used to verify the physical form of retrievably stored TRU mixed waste. For newly generated waste, physical form and prohibited items will be verified during packaging (using the VE technique).

Section B-3d(1), Newly Generated Wastes, makes the point again, more expansively:

Verification that the physical form of the waste (Summary Category Group) corresponds to the physical form of the assigned waste stream is accomplished during packaging (using the VE technique). This process is different than the process described in Attachment B1-3b(3) and consists of the operator confirming that the waste is assigned to a waste stream that has the correct Summary Category Group for the waste being packaged...Instead of using a video/audio tape as required with VE in support of radiography in Attachment B1-3b(3), the VE technique for newly generated waste (or repackaged retrievably stored waste) uses a second operator, who is equally trained to the requirements stipulated in Permit Attachment B1, to provide additional verification by reviewing the contents of the waste container to ensure correct reporting.

Attachment B1-3b(3) discusses VE as a check on RTR. Section B4-2b, Required TRU Mixed Waste Stream Information, adds that "Procedures for newly generated waste shall describe how acceptable knowledge is confirmed using visual examination". An NMED observer at a RFETS audit conducted September 18 - 22, 2000, pointed out that the HWFP required visual processes rather than RTR to relatively high-level RFETS personnel in a rather lengthy discussion during the AK auditing.

Despite the clear language found in several sections of the HWFP1 It is, however, worth noting that neither Table B-1, Summary of Hazardous Waste Characterization Requirements for Transuranic Mixed Waste, nor Table B-6, Summary of Parameters, Characterization Methods, and Rationale for CH Transuranic Mixed Waste, make it clear that specified visual examination techniques are to be used for newly generated wastes. and the NMED observer's reminder from a year ago, the RFETS apparently is using RTR for characterizing newly generated waste. The auditing team members present were involved during my questioning of the interviewee and I discussed the issue with them after the interview was completed. I also briefly discussed the issue with the audit team leader later that same day. However, there was apparently no follow-up to ascertain if my concern was correct, and no concerns were written on newly generated waste during the audit. This lapse is in part my responsibility, as I did not raise the issue again during audit team caucuses.

Two other deficiencies were discovered by one of the auditors during the newly generated waste interview that I attended. After the interview, I asked the auditor if she was going to follow up on them. She said

she was, but as stated above, no concerns were written on newly generated waste during the audit.

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New Mexico Environment Department  
Hazardous Waste Bureau