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PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 4, 2002

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

Mr. John Lee, General Manager  
Westinghouse TRU Solutions LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: NMED APPROVAL OF THE ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE FINAL  
AUDIT REPORT, AUDIT A-02-05  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

On January 31, 2002, NMED received the Final Audit Report of the Rocky Flats Environmental Technology Site (RFETS), Audit Number A-02-05 (**Audit Report**), from the Department of Energy's Carlsbad Field Office (CBFO). CBFO and Westinghouse TRU Solutions LLC (**the Permittees**) were required to submit this Audit Report under the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit as specified in Permit Condition II.C.2.c. The intended scope of this audit was to expand the certification of the existing RFETS waste characterization program by evaluating the adequacy, implementation, and effectiveness of four new characterization processes relative to the requirements of the WIPP Permit. The four new processes consisted of the following items:

- Los Alamos National Laboratory (LANL) manifold headspace gas (HSG) unit
- HSG sampling of standard waste boxes (SWBs)
- Visual examination (VE) to confirm real-time radiography (RTR) of SWBs
- VE technique of newly generated waste

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The Audit Report documentation submitted to NMED consisted of the following items:

- a narrative report
- completed copy of relevant Permit Attachment B6 checklist (Table B6-6)
- final RFETS standard operating procedures (compact disk only)
- objective evidence examined during the audit (visual examination technique only)

NMED has examined the Audit Report for evidence of compliance with the requirements of Permit Conditions II.C.2 (Audit and Surveillance Program) and II.C.1 (Waste Analysis Plan). NMED representatives observed the RFETS audit on November 27 – 30, 2001, and specifically evaluated the Audit Report for compliance with the following permit requirements:

- Permit Condition II.C.2.a (*Requirement to Audit*) - the Permittees shall demonstrate to the Secretary that the generator/storage sites have implemented and comply with applicable requirements of the WAP by conducting an audit of the generator/storage sites as specified in Permit Attachment B, Section B-4b (1) (iii), and Permit Attachment B6 (Waste Isolation Pilot Plant Permittees' Audit and Surveillance Program), and as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.13).
- Permit Condition II.C.2.c (*Final audit report*) - the Permittees shall provide the Secretary a final audit report as specified in Permit Attachment B6. The final audit report shall include all information specified in Permit Attachment B6, Section B6-4, and: (i) A detailed description of all corrective actions and the resolution of any corrective action applicable to WAP requirements, including re-audits if required; (ii) documentation necessary for the Secretary to determine if the corrective action was resolved.

The Audit Report indicated there were five WAP-related conditions adverse to quality requiring the issuance of CBFO corrective action reports that were corrected prior to submittal of the Audit Report; three deficiencies requiring only remedial actions that were corrected during the audit; no observations; and one recommendation to improve the forms for VE. Attached are NMED's general comments based upon observation of the RFETS audit and review of the submitted information.

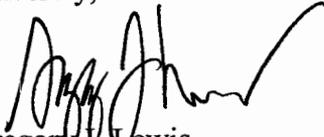
NMED concludes that this Audit Report adequately demonstrates that the applicable characterization requirements of the WAP have been implemented at RFETS for the waste forms and processes evaluated. Therefore, NMED approves the Permittees' Final Audit Report for RFETS Audit A-02-05, and amends the previous Audit Report approvals for Audit A-00-08

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issued on March 9, 2000, Audit A-00-12 issued on February 7, 2001, and Audit A-01-05 issued on June 5, 2001 to include the aforementioned processes.

If you have any questions regarding this matter, please contact me at (505) 827-1758.

Sincerely,



Gregory J. Lewis  
Director  
Water and Waste Management Division

GJL:soz

Attachment

cc: James Bearzi, NMED HWB  
Paul Ritzma, NMED OGC  
Howard Roitman, CDPHE HMWMD  
Laurie King, EPA Region 6  
Betsy Forinash, EPA ORIA  
Connie Walker, TechLaw  
Matthew Silva, EEG  
Don Hancock, SRIC  
Joni Arends, CCNS  
Lindsay Lovejoy, NMAGO  
File: Red WIPP '02

**NMED COMMENTS ON THE**  
**ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE (RFETS)**  
**FINAL AUDIT REPORT A-02-05**

1. The body of the Audit Report appears to generally address the applicable elements. However, there are some omissions, errors, and inconsistencies, including but not limited to:
  - No cross-reference from final audit Corrective Action Report (CAR) numbers listed in the Audit Report to preliminary CAR numbers assigned during the audit
  - Missing references in the Audit Report to documented procedures listed in the B6 checklist elements
  - No revision numbers listed in the Audit Report for RFETS documents audited (However, the revision numbers are listed on the Table of Contents of the Procedures CD)
  - Missing references to CARs, items Corrected During the Audit (CDAs), Observations, and Recommendations in Sections 6 and 7 in the B6 checklist narratives
  - Incorrect references in the checklist narratives to B6 checklist table numbers
2. The auditors used both the B6 checklists and CBFO procedure-specific checklists during the RFETS audit. Because of omissions and inconsistencies noted, NMED continues to suggest that the auditors modify site-specific checklists to either include the appropriate B6 checklist elements or to cross-reference the appropriate B6 checklist element number.
3. Section 5.1 indicated that “confirmation of acceptable knowledge for S5000 newly generated debris waste could not be assessed because the waste had not met the drum age criteria and therefore could not be sampled for headspace gas”. This wording directly conflicts with the information provided in Section 5.2.4 of the Audit Report, which states that the audit was performed to assess RFETS’ ability to characterize waste using additional headspace gas processes. It appears that the auditors were indicating that they could not approve characterization for newly generated waste with respect to AK because the confirmation element could not be examined, but that existing waste, currently approved, could “remain” approved using the new headspace gas systems.
4. Checklist B6-1 should have been completed, as it relates to the five Corrective Action Reports (CARs) and three deficiencies corrected during the audit (CDA).