



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Water and Waste Management Division
Harold Runnels Building

1190 St. Francis Drive, P.O. Box 26110

Santa Fe, New Mexico 87502-6110

Telephone (505) 827-1758

Fax (505) 827-0310

www.nmenv.state.nm.us



PETER MAGGIORE
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 18, 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 REVIEW OF THE LOS ALAMOS NATIONAL LABORATORY FINAL AUDIT REPORT,
AUDIT A-01-11
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

On February 6, 2002, NMED received the Final Audit Report of the Los Alamos National Laboratory (LANL) Visual Examination (VE) Technique of TA-55 and the Off-Site Source Recovery (OSR) Program, Audit Number A-01-11 (**Audit Report**), from the Department of Energy's Carlsbad Field Office (CBFO). CBFO and Westinghouse (**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 stated scope of this audit was to evaluate the adequacy, implementation, and effectiveness of the LANL TRU waste characterization activities for newly generated debris waste being packaged and visually examined in TA-55 and for OSR Program waste at the CMR Facility relative to the requirements of the WIPP Permit.

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 LANL standard operating procedures (provided on CD-ROM)

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- objective evidence examined during the audit (VE 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). Additionally, NMED representatives observed the LANL VE technique audit on May 8, 9, and 14 – 16, 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.

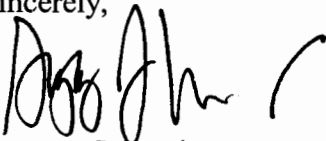
The Audit Report indicated that there were two WAP related conditions warranting the issuance of CBFO corrective action reports (**CARs**), two observations, and one recommendation. One of the **CARs** documented a deficiency identified with the Acceptable Knowledge (**AK**) Summary Report and supporting source documentation for the OSR Program.

NMED concludes that, although the Audit Report demonstrates that LANL has adequately implemented many of the applicable characterization requirements of the WAP for the VE technique, the Audit Report contains insufficient information to support full approval of the VE technique for newly generated debris contact-handled waste. Notably, the Audit Report failed to include a completed B6 checklist for AK, and NMED understands that LANL has yet to perform the necessary AK reconciliation activities. Therefore, NMED will defer approval of the Permittees' Final Audit Report for LANL Audit A-01-11 of the VE technique performed by TA-55 and the OSR Program pending further audit of the AK process for newly generated waste (including reconciliation) and submittal of a revised audit report including a completed B6 checklist for AK (Table B6-3) reflecting compliance with all AK requirements for newly generated waste.

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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

cc: James Bearzi, NMED HWB
John Kieling, NMED HWB
Steve Zappe, NMED HWB
David Neleigh, EPA Region 6
Betsy Forinash, EPA ORIA
Connie Walker, TechLaw
Matthew Silva, EEG
Don Hancock, SRIC
Joni Arends, CCNS
Lindsay Lovejoy, NMAGO
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