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PETER MAGGIORE
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 8, 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 RFETS FINAL AUDIT REPORT, AUDIT A-01-07
WASTE ISOLATION PILOT PLANT
EPA I.D. Number NM4890139088

Dear Dr. Triay and Mr. Lee:

On September 10, 2001, NMED received the Final Audit Report of the Rocky Flats Environmental Technology Site (**RFETS**), Audit Number A-01-07 (**Audit Report**), from the Department of Energy's Carlsbad Field Office (**CBFO**) and Westinghouse TRU Solutions, Inc. (**the Permittees**). The Permittees were required to submit the aforementioned Audit Report under the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**) as specified in Permit Condition II.C.2.c. The intended scope of this audit was to evaluate the adequacy, implementation, and effectiveness of the RFETS recertification waste characterization processes for retrievably stored contact-handled debris waste relative to the requirements of the WIPP Permit.

The audit was rejected on February 19, 2002 on the basis of the Permittee's failure to submit pertinent documents demonstrating compliance with the Permit. The noncompliance stemmed from RFETS Procedure L-4146-M-41, December 11, 2000 (Headspace Gas Sampling of Waste Containers), and specifically involved RFETS' sampling through filter vent holes and compositing of the resultant headspace gas samples – procedures that were not contemplated in

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the Permit. On August 28, 2001, CBFO submitted modified compositing and sampling procedures as a Class 2 permit modification request that was approved by NMED on November 27, 2001.

On March 15, 2002, NMED received documentation to support RFETS Audit Number A-01-07 from the Permittees. The Audit Report documentation submitted to NMED consisted of the following items:

- completed copies of relevant Permit Attachment B6 checklists
- final RFETS standard operating procedures (electronic and hardcopy)
- corrective action reports and items corrected during the audit
- objective evidence examined during the audit
 - general information
 - acceptable knowledge
 - headspace gas
 - real time radiography
 - visual examination

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 January 29 to February 2, 2001, and specifically evaluated the Audit Report for compliance with the following permit requirements:

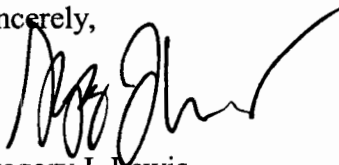
- Permit Condition II.C.2.a (*Requirement to Audit*) - the Permittees shall demonstrate to the Secretary that the generator/storage sites have implemented and comply with applicable requirements of the WAP by conducting an audit of the generator/storage sites as specified in Permit Attachment B, Section 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.

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The Audit Report indicated that there were twenty-six (26) WAP related conditions warranting the issuance of four (4) CBFO corrective action reports (CARs), six (6) deficiencies corrected during the audit (CDAs), six (6) observations, and ten (10) recommendations. NMED concludes that the Audit Report adequately demonstrates that RFETS has implemented the applicable characterization requirements of the WAP for the recertification of retrievably stored debris and homogeneous solids contact-handled waste. Therefore, NMED approves the Permittees' Final Report for RFETS Audit A-01-07.

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
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