

BILL RICHARDSON
GOVERNOR

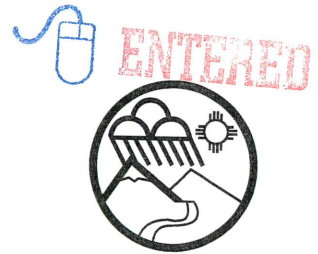
State of New Mexico
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 30, 2003

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

Dr. Steven Warren, President
Washington TRU Solutions, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

RE: NMED APPROVAL OF THE LOS ALAMOS NATIONAL LABORATORY FINAL AUDIT REPORT, AUDIT A-02-30 WASTE ISOLATION PILOT PLANT EPA I.D. Number NM4890139088

Dear Dr. Triay and Dr. Warren:

On October 10, 2002, NMED received the Final Audit Report of the Los Alamos National Laboratory (LANL) Audit Number A-02-30 (**Audit Report**), from the Department of Energy's Carlsbad Field Office (CBFO). CBFO and Washington 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 annual recertification audit was to ensure the continued adequacy, implementation, and effectiveness of the LANL waste characterization processes for retrievably stored heterogeneous debris contact-handled waste relative to the requirements of the WIPP Permit. The audit also evaluated new waste characterization processes for newly generated heterogeneous debris waste. The Audit Report consisted of the following items:

- A narrative report
- Completed copies of relevant Permit Attachment B6 checklists
- Final LANL standard operating procedures (electronic and hardcopy)
- Corrective action reports and items corrected during the audit

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- Objective evidence examined during the audit
 - General information
 - Acceptable knowledge
 - Real time radiography
 - Visual examination

NMED notes that the B6 checklist, an integral element of the Audit Report, contained incorrect sources, information, and typographical errors. NMED transmitted an e-mail on December 9, 2002 to the audit team leader requesting a corrected version of the B6 checklist and attached a memo from Connie Walker and June Dreith of Trinity Engineering dated December 6, 2002 identifying specific concerns. NMED received a corrected version on December 24, 2002, which restarted the time frame for examination of the Audit Report.

NMED representatives observed the LANL audit on August 26 – 20, 2002. 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 [WAP]). The Audit Report indicates there were two WAP-related conditions adverse to quality (concerning control of prohibited items and visual examination) requiring the issuance of CBFO corrective action reports that were corrected prior to submittal of the Audit Report; eight deficiencies requiring only remedial actions that were corrected during the audit; one observation identifying conditions that, if not controlled, could result in conditions adverse to quality; and four recommendations identifying opportunities for improvement. Attached are NMED's general comments based upon observation of the LANL audit and review of the Audit Report. These are provided to guide future audit report preparation and to assist the Permittees in understanding NMED's concerns.

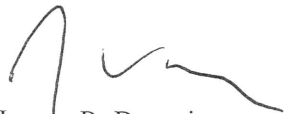
The Audit Report stated that the LANL process for manual headspace gas sampling was declared to be indeterminate. The LANL on-line gas system has not been used since October 2001, and LANL failed to pass the most recent headspace gas Performance Demonstration Program (PDP) cycle using the on-line system. LANL had no plans to use this system in the future, and the Audit Report recommended against recertification of this system. Also, although not mentioned in the Audit Report, the LANL homogeneous solids program was not within the scope of this recertification audit, and the program therefore cannot be approved for continued characterization.

NMED concludes that this Audit Report demonstrates that LANL has adequately implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for LANL Audit A-02-30 for the recertification of retrievably stored and initial certification of newly generated debris contact-handled waste, and amends the previous Audit Report approval for Audit A-02-04 issued by NMED on August 8, 2002 to include all waste forms and processes evaluated by this audit. Excluded from this approval are the homogeneous solids program and the on-line headspace sampling and analysis program. The manual headspace gas sampling program was subject to a later audit (A-03-07), and will be dealt with in a separate letter from NMED.

Dr. Triay and Dr. Warren
January 30, 2003
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If you have any questions regarding this matter, please contact me at (505) 428-2512.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

Attachment

cc: Steve Zappe, NMED HWB
Tracy Hughes, NMED OGC
Laurie King, EPA Region 6
Betsy Forinash, EPA ORIA
Connie Walker, Trinity Engineering
Matthew Silva, EEG
Don Hancock, SRIC
Joni Arends, CCNS
Lindsay Lovejoy, NMAGO
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NMED COMMENTS ON THE
LOS ALAMOS NATIONAL LABORATORY (LANL)
FINAL AUDIT REPORT A-02-30

- Future recertification Audit Reports must clearly identify the scope of the audit and the scope of the approval proposed to be granted by the Permittees. This Audit Report was particularly confusing because LANL was not seeking recertification of their homogeneous solids program but this was not mentioned in the Audit Report. Furthermore, the Audit Report did not identify newly generated heterogeneous debris waste as a new program area undergoing initial audit. NMED recommends that future recertification Audit Reports identify three categories as appropriate: 1) existing program areas subject to recertification; 2) new program areas seeking certification for the first time; and 3) previously approved program areas for which recertification is not sought or recommended.