



BILL RICHARDSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

Telephone (505) 428-2500

Fax (505) 428-2567

www.nmenv.state.nm.us

ENTERED



RON CURRY  
SECRETARY

DERRITH WATCHMAN-MOORE  
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 8, 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: PERMITTEES' REQUESTS FOR GENERATOR SITES TO USE REVISED PROCEDURES AND  
NEW EQUIPMENT FOR WASTE CHARACTERIZATION ACTIVITIES  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088**

Dear Drs. Triay and Warren:

On April 11, 2003, NMED received two letters from Mr. Kerry Watson of the Department of Energy's Carlsbad Field Office (CBFO) regarding waste characterization activities at several generator sites. The first letter dated April 10, 2003 concerned the Hanford Site modifying its existing headspace gas sampling procedure to allow the use of the airtight seal method for direct canister sampling specified in Permit Attachment B1, Section B1-1a(5) of the WIPP Waste Analysis Plan (WAP). The second letter dated April 10, 2003 dealt with Los Alamos National Laboratory (LANL) proposing to deploy a rental real time radiography (RTR) unit to augment its current radiography capabilities and to increase throughput. The LANL letter included a "gap analysis" documenting the similarities and differences between the existing approved RTR unit and the proposed rental RTR unit.

Both letters state that the Permittees believe these changes can be approved using the provisions described in Permit Attachment B3, Section B3-15, "Changes to WAP-Related Plans or Procedures." The letters further states that CBFO would review and approve all procedural changes, notify NMED of the approvals in the monthly procedure change summary, and then perform an on-site surveillance of the activities described in the revised procedures.

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The letters did not fully identify the conditions that must be met before these activities (i.e., headspace gas sampling using airtight seal at Hanford, new RTR equipment at LANL) can be used to characterize waste for acceptance at WIPP. The letters only imply that following the approval of procedural changes and surveillance of the activities by CBFO, the Permittees are authorized to add these new activities to the existing site certifications and WIPP could immediately begin accepting any waste characterized by these methods without any further input from NMED.

In the past, the Permittees introduced new equipment or procedures by conducting additional certification audits. At Rocky Flats Environmental Technology Site (**RFETS**), for example, Audit A-02-05 in November 2001 assessed new headspace gas equipment; Audit A-02-19 in June 2002 assessed a mobile RTR unit; and Audit A-03-02 in October 2002 assessed visual examination activities in a different building at the site. In each case, NMED received an audit report for approval prior to the Permittees accepting waste characterized by these methods. NMED agrees that this is the appropriate approach for adding new equipment and procedures to an existing site certification.

For Hanford, the revised procedure that includes airtight seal sampling should be evaluated during the annual recertification audit, currently scheduled for the week of June 16, 2003. NMED could then evaluate the final audit report and approve the modified method for waste characterization if the revised procedure demonstrates compliance with the WAP.

For LANL, the gap analysis clearly indicates that the rental RTR equipment intended to augment LANL's capabilities is a different model than the existing RTR equipment, and has different operator control systems, software, and training requirements. Although the Permittees may still conduct a surveillance of the new equipment, if the Permittees accept waste characterized by the rental RTR equipment before NMED has approved a final audit report, they do so at risk. The LANL audit is currently scheduled for the week of August 25, 2003, but the Permittees could submit a report of the surveillance in the same manner as they do for audit reports, and NMED could then review and, if appropriate, approve the report.

NMED appreciates being able to work with the Permittees to expedite review of the audit reports to ensure that waste shipments from Hanford and LANL are not delayed unnecessarily. As always, please ensure that NMED has adequate notification of any site audits so that my staff can prepare for, attend, and observe them.

Drs. Triay and Warren  
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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

cc: Steve Zappe, NMED HWB  
Tracy Hughes, NMED OGC  
Tom Fitzsimmons, WA Dept. of Ecology  
Betsy Forinash, EPA ORIA  
Laurie King, EPA Region 6  
Connie Walker, Trinity Engineering  
Matthew Silva, EEG

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