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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 26, 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 COMMENTS ON THE ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE  
FINAL AUDIT REPORT, AUDIT A-03-03  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Drs. Triay and Warren:

On April 25, 2003, NMED received the Final Audit Report of the Rocky Flats Environmental Technology Site (**RFETS**) Audit Number A-03-03 (**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 RFETS waste characterization processes for debris and homogeneous solids contact-handled waste relative to the requirements of the WIPP Permit, and to evaluate two new activities related to headspace sampling using an automated manifold in Building 371 and mobile real-time radiography of lead lined drums in Building 664. The Audit Report consisted of the following items:

- A narrative report
- 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

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- Objective evidence examined during the audit
  - General information
  - Solids and soils/gravel sampling
  - Acceptable knowledge
  - Headspace gas
  - Real time radiography
  - Visual examination

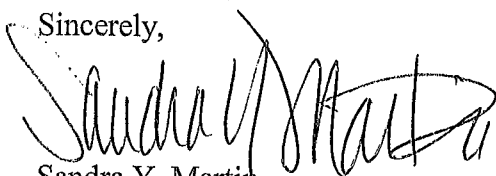
NMED representatives observed the RFETS audit A-03-03 on March 4-7, 2003. NMED has examined the Audit Report for evidence of compliance with the requirements of Permit Conditions II.C.2 (Audit and Surveillance Program) and II.C.1 (Waste Analysis Plan [WAP]). The Audit Report indicates there was one WAP-related conditions adverse to quality requiring the issuance of CBFO corrective action reports that were corrected prior to submittal of the Audit Report; four deficiencies requiring only remedial actions that were corrected during the audit; two observations identifying conditions that, if not controlled, could result in conditions adverse to quality; and thirteen recommendations identifying opportunities for improvement. Attached are NMED's comments based upon observation of the RFETS audits and review of the submitted information.

NMED received your letter dated August 20, 2003 seeking expedited review and approval of this Audit Report. You quoted NMED's letter of April 28, 2003 that stated, "Although NMED received the final Audit Report for RFETS Audit A-03-03 on April 25, 2003, these issues [raised on the Inquiry Forms] must be resolved before NMED concludes that RFETS has adequately implemented the applicable characterization requirements of the WAP." These attached comments are intended to respond to your request in a timely manner while NMED is still evaluating the Permittees' letter received July 11, 2003 that provided a revised response to concerns identified on Observer Inquiry Forms.

NMED concludes that the Audit Report is incomplete in that it does not adequately address all elements examined during the audit. Because of this incompleteness, NMED is withholding approval of the Permittees' Final Audit Report for RFETS Audit A-03-03 until the Permittees submit the additional information identified in the attached comments that demonstrate full implementation of all relevant permit requirements. Indicate revisions to any text in the Audit Report and checklists with redline/strikeout annotation.

If you have any questions regarding this matter, please contact me at (505) 428-2512.

Sincerely,



Sandra Y. Martin  
Acting Chief  
Hazardous Waste Bureau

Drs. Triay and Warren  
August 26, 2003  
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Attachment

cc: **Steve Zappe, NMED HWB**  
Tracy Hughes, NMED OGC  
Howard Roitman, CDPHE HMWMD  
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  
File: Red WIPP '03

**NMED COMMENTS ON THE**  
**ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE (RFETS)**  
**RECERTIFICATION AUDIT REPORT A-03-03**

Because the Audit Report is part of the official permanent record for WIPP, the following items need to be addressed by Permittees pertaining to RFETS Audit A-03-03. The following items need to be corrected and resubmitted in order for NMED to evaluate the audit.

1. On the B6 Checklist, the locations for questions 1, 2, 3, 5, 6, 7, 8, 10, 25, 27, 30, 74, 152, 153, and 161 are given as PRO-484-WIPP-003, R.6. NMED only received R.4 on both the hardcopy and on a compact disk of procedures. This is either a typographical error (R.6 should be R.4) or there have been revisions to the procedure and the Permittees did not submit updated revision.
2. For questions 8, 11, 12, 13, 17, 18, 19, 27, 28, 29, 32, 34, 35, 37, 55, 59, 63, 70, 182, 188, 220, 221, 222a, 222b, 225, 227, 228, 229, 230, and 232 of the B6 Checklist, NMED did not receive documents L-4111-X, L-4146-P, PRO-HDGAS-371, L-4108-G, on either the compact disk of procedures or as a hardcopy. NMED cannot verify the response to the questions.
3. For questions 8, 11, 18, 19, 20, 21, 22, 24, 27, 28, 29, 32, 33, 34, 35, 36, 37, 48, 55, 59, 126a, 126b and 127 of the B6 Checklist, there is an apparent typographical error for the reference of L-4165-L. This should be L-4165-M. NMED only received L-4165-M.
4. For questions 18, 19, 21, 24, 27, 28, 29, 63, and 125 of the B6 Checklist, there is an apparent typographical error for the reference of L-4214-E. This should be L-4214-F. NMED only received L-4214-F.
5. For questions 18, 19, 21, 22, 25, 27, 28, 29, 32, 33, 34, 35, 36, 37, 63, 70, 123, 125, and 126a of the B6 Checklist, there is an apparent typographical error for the reference of L-4215-E. This should be L-4215-F. NMED only received L-4215-F.
6. For question 24 of the B6 Checklist, NMED did not receive document L-4108-G and cannot verify the response to the question.
7. For question 27a of the B6 Checklist, the reference of PRO-1031-WIPP-1112, S. 1.0 does not address the question. Could it be that the response can be found in another section of the procedure and, therefore, this may be a typographical error?
8. For questions 32, 33, 36, 37, 38, 39, 48, and 70 of the B6 Checklist, NMED did not receive document L-5017-U and cannot verify the response for the questions.
9. For question 33 of the B6 Checklist, the exact location within PRO-940-WIPP-10 to respond to the question is not given. The reviewer attempted to find the exact location, but could not find it.
10. For question 39 of the B6 Checklist, NMED did not receive a document L4152-K. Could this be a typographical error and the document is actually L-4152-K?
11. For procedure PRO-940-WIPP-010, R.16, pages 16, 17, 76, 77, and 78 have R.15 on them. Could this be a typographical error?
12. For question 44 of the B6 Checklist, PRO-940-WIPP-010, R.10 is cited instead of R.16. Could this be a typographical error?
13. For question 45 of the B6 Checklist, procedure 1-A65-ADM-15.10, R.6 is probably a typographical error and should be 1-A65-ADM-15.01, R. 6.

14. For questions 46, 47, 206, 207, 208, 209, 211, 212, 213, and 214 of the B6 Checklist, NMED did not receive either a hardcopy or a copy of procedure L-4006 on the compact disk of procedures. Due to this situation, NMED cannot verify the response to the questions.
15. For question 72 of the B6 Checklist, NMED did not receive hardcopies or copies on the compact disk of procedures of PRO-T31-Traffic-516, R.1, Hazardous Materials Shipment Checklists and PRO-T43-Traffic-528, R.0, TRUPACT-II Operations Flow, and therefore cannot verify the response to the question.
16. For question 78 of the B6 Checklist, the comment that "There are no continuous processes that are generating solids waste" may be incorrect. RFETS has sludges in tanks that have not yet been removed. There may be the process of removing the sludge from the tanks. If there are procedures for such sludge removal from the tanks, then this might be considered to be a process.
17. For question 79 of the B6 Checklist, again the question that the sludge removal from tanks is a process.
18. For questions 134, 135, 137, 140, 141, 142, 143, 144, 151, 156, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168, 169, 180, 181, 200, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, 271, 275, 276, 278, 280, 281, 282, 283, 284, 285, 291, 295, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, and 309 of the B6 Checklist, NMED did not receive hardcopies or copies on the compact disk of procedures of procedure 95-QAPjP-0050. NMED cannot verify the response to the question.
19. On the B6 Checklist, the exact location for question 144, subsections D, E, F, G, and H is not given for procedures PRO-484-WIPP-003, 4-I19-NDT-00569, R.6, and for PRO-1471-VE-771.
20. For question 171 of the B6 Checklist, in the comments section there is a typographical error for the word streams. It is currently stream.
21. For questions 172, 173, 174, 175, 176, and 177 of the B6 Checklist, in the comments section. The entire statement leads one to assume that the audit report is not the final audit report. Please clarify.
22. For questions 191, 197a, 197b, 199, 201, 202, 204, and 205 of the B6 Checklist, NMED did not receive either a hardcopy or a copy on the compact disk of procedures of procedure L-4146-P. NMED cannot verify the responses to the questions with reviewing the procedure.
23. For questions 231, 232 of the B6 Checklist, NMED did not receive document L-5017-U as either a hardcopy or on the compact disk of procedures. Due to this, NMED cannot verify the response to the question.
24. Questions 272, 273, 274, and 312 should be removed from the B6 Checklist as they are no longer relevant to the permit.