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ENTERED



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 18, 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 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 initial 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.

On August 20, 2003, the Permittees sent a letter to NMED requesting expedited review and approval of the Audit Report. NMED responded with a letter dated August 26, 2003 providing comments on specific deficiencies in the B6 checklists and the omission of certain RFETS procedures. On September 4, 2003, NMED received a response to these comments which, taken

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together with the initial Audit Report, constitutes a revised Audit Report for the administrative record. The revised Audit Report now consists of the following items:

- A narrative report
- Completed copies of relevant Permit Attachment B6 checklists (revised in redline/strikeout format)
- Final RFETS standard operating procedures (electronic and hardcopy, including supplemental procedures)
- Corrective action reports and items corrected during the audit
- Objective evidence examined during the audit
 - General information (including Addendum)
 - 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.

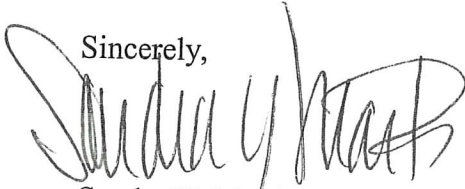
NMED notes that its staff submitted two Observer Inquiry forms during the A-03-03 audit at RFETS regarding procedures for tentatively identified compounds (TICs) and use of the Contract Laboratory Program (CLP) National Functional Guidelines for data usability criteria. Following a meeting to resolve differences, technical staff representing both NMED and the Permittees engaged in discussions to attempt to reach agreement. On July 11, 2003, NMED received a letter from the Permittees dated July 10, 2003 that effectively reiterated the Permittees' position that both issues identified by NMED were being addressed at RFETS "in a manner that is compliant with the Permit" and "that no further analysis is necessary." While NMED disagrees with the Permittees' position, NMED has determined to proceed with the Audit Report review and address these disagreements through continued observation and inquiry at future audits.

NMED concludes that this revised Audit Report demonstrates that RFETS has adequately implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for RFETS Audit A-03-03 for the recertification of retrievably stored and repackaged debris and homogeneous solids contact-handled waste, and amends the previous Audit Report approvals for Audits A-02-07, A-03-02, and A-03-04 issued

by NMED on December 17, 2002, March 21, 2003, and March 21, 2003 respectively, to include all waste forms and processes evaluated by this recertification audit, including 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.

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

Sincerely,



Sandra Y. Martin
Acting Chief
Hazardous Waste Bureau

SYM:soz

cc: **Steve Zappe, NMED HWB**
Tracy Hughes, NMED OGC
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