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 ENTERED



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 1, 2004

R. Paul Detwiler, Acting 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 ARGONNE NATIONAL LABORATORY - EAST/CENTRAL
CHARACTERIZATION PROJECT FINAL AUDIT REPORT, AUDIT A-03-26
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Mr. Detwiler and Dr. Warren:

On October 10, 2003, the New Mexico Environment Department (NMED) received the Final Audit Report of the Argonne National Laboratory – East (ANL-E)/ Central Characterization Project (CCP) Audit Number A-03-26 (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 initial certification audit was to ensure the adequacy, implementation, and effectiveness of the ANL-E/CCP waste characterization processes for retrievably stored homogeneous solids contact-handled waste relative to the requirements of the WIPP Permit. The Audit Report consisted of the following items:

- A narrative report
- Completed copies of relevant Permit Attachment B6 checklists
- Final ANL-E/CCP standard operating procedures
- Objective evidence examined during the audit
 - General information
 - Solids and soils/gravel sampling
 - Acceptable knowledge

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An NMED representative observed the ANL-E/CCP audit in Carlsbad, New Mexico on August 26 – 27, 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 observation identifying a condition that, if not controlled, could result in a condition adverse to quality, and one recommendation identifying an opportunity for improvement.

NMED notes that previous audit A-03-13 conducted February 10-13, 2003 at ANL-E sought limited approval for homogeneous solids waste activities (i.e., headspace gas sampling and analysis, radiography, and visual examination) that had been previously demonstrated for debris waste. The current audit A-03-26 in Carlsbad evaluated additional ANL-E/CCP program elements and objective evidence for acceptable knowledge assembly, compilation, and confirmation of homogeneous solids waste, as well as reconciliation of data quality objectives, verification of adequate sample design, and project-level data verification and validation. However, ANL-E/CCP has opted to use the analytical laboratory at the Idaho National Engineering and Environmental Laboratory (INEEL) rather than develop independent solids sampling and analytical capabilities. Thus, rather than evaluate all waste characterization activities related to homogeneous solids waste during this audit, the Permittees seek to augment the previous audit to include the necessary remaining program elements and verify traceability of homogeneous solids waste containers throughout the characterization process.

NMED concludes that this Audit Report demonstrates that ANL-E/CCP has adequately implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for ANL-E/CCP Audit A-03-26 for the initial certification of retrievably stored homogeneous solids contact-handled waste, and amends the previous Audit Report approval for Audits A-02-03 and A-03-13 issued by NMED on May 8, 2003 to include all waste forms and processes evaluated by this recertification audit. NMED previously approved the INEEL analytical laboratory program on November 20, 2003 following observation of audit A-03-15.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

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June 1, 2004
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cc: Charles Lundstrom, NMED WWMD
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