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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 8, 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 COMMENTS ON THE NEVADA TEST SITE/ CENTRAL CHARACTERIZATION PROJECT FINAL AUDIT REPORT, AUDIT A-04-04 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Mr. Detwiler and Dr. Warren:

On January 15, 2004, the New Mexico Environment Department (NMED) received the Final Audit Report of the Nevada Test Site (NTS)/Central Characterization Project (CCP) Audit Number A-04-04 (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 NTS/CCP waste characterization processes for retrievably stored and repackaged debris contact-handled waste relative to the requirements of the WIPP Permit. The initial Audit Report consisted of the following items:

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

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


NMED representatives observed the NTS/CCP audit on October 6 – 9, 2003 in Carlsbad, New Mexico. Physical characterization of equipment was not performed. 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 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; and one recommendation identifying an opportunity for improvement. Attached are NMED's general comments based upon observation of the NTS/CCP 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.

NMED continues to express concern over the recertification process for sites implementing the CCP for all or part of the site's characterization requirements, particularly when the audit is held in Carlsbad instead of at the generator/storage site. For example, the Audit Reports for the two sites that underwent simultaneous recertification audits (ANL-E/CCP A-04-03 and NTS/CCP A-04-04) both include the statement that "prior to any future or acceptable characterization by or for the [site], a CBFO surveillance would be scheduled and performed to verify that the equipment, processes, and procedures remain as currently certified and approved..." NMED understands the perceived need to proceed with the annual recertification audit, even when the equipment is no longer deployed at the generator/storage site. However, NMED believes that a recertification audit in Carlsbad (which in fact is primarily a review of paper work) followed by a surveillance at the CCP field site may not capture all activities that are evaluated at any other non-CCP generator site during a full recertification audit. It is unclear whether the surveillance as proposed would rigorously evaluate the implementation of processes and procedures on equipment at the site by interviewing and observing equipment operators. It is also unclear whether such a surveillance would be subject to NMED observation or whether the results would be subject to NMED review and approval. Until these issues are addressed by the Permittees, NMED is unable to give an unqualified approval to this recertification Audit Report.

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 NTS/CCP Audit A-04-04 until the Permittees submit the additional information identified in the paragraph above and 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 Steve Zappe at (505) 428-2517.

Sincerely,


James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

Attachment

cc: Charles Lundstrom, NMED WWMD
Steve Zappe, NMED HWB
Tracy Hughes, NMED OGC
Paul Liebendorfer, NV DEP
Laurie King, EPA Region 6
Betsy Forinash, EPA ORIA
Connie Walker, Trinity Engineering
Don Hancock, SRIC
Joni Arends, CCNS
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NMED COMMENTS ON THE
NEVADA TEST SITE/ CENTRAL
CHARACTERIZATION PROJECT (NTS/CCP)
FINAL AUDIT REPORT A-04-04

NMED's review indicated that the Audit Report showed less attention to detail than presented in previous Audit Reports and, unless remedied, this less rigorous approach to preparation could result in significant deficiencies in future Audit Reports. The body of the Audit Report appears to generally address the applicable elements. However, there are some omissions, errors, and inconsistencies including but not limited to the following items:

1. Questions 8, 11, 12, 13, 20, 26, 28, 31, 32, 33, 35, 48, 55, 59, 70, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 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, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309 and 311 cite procedure CCP-PO-001. Procedure CCP-PO-001 was not included with the audit report.
2. Questions 12, 13, 26, 28, 32, 33, 34, 35, 37, 38, 39, 264, 270, 284, 285, 303, 308, and 313 cite procedure CCP-TP-062. Procedure CCP-TP-062 was not included with the audit report.
3. Questions 32, 33, 34, 35, 36, 37, 38, and 39 cite procedure CCP-PO-011. Procedure CCP-PO-011 was not included with the audit report.
4. Question 53 cites procedure CCP-TP-002 Section 4.4. The cited section does not fully answer the question.
5. Question 148 cites CCP-TP-002 Section 4.2.1. The cited section does not answer the question.
6. Question 168 cites CCP-TP-005 Sections 4 and 4.6. Citation is OK, but another reference would further clarify the answer.
7. Question 188 cites procedure CCP-TP-009 Section 4.1.1. This section does not exist.
8. Question 196 cites procedure CCP-TP-007 Section 4.5.1. The question is not fully addressed.
9. Question 204 cites procedure CCP-TP-007 Attachment 5. Attachment 5 does not exist.
10. Questions 222a and 222b cite CCP-TP-007 Section 4.10.1. The given section does not exist.