



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



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 27, 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 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 initial Final Audit Report of the Nevada Test Site/Central Characterization Project (NTS/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

On July 8, 2004, NMED provided the Permittees with comments on the initial Audit Report, noting that it was incomplete due to the exclusion of certain elements that had originally been within the scope of the audit. On July 28, 2004, NMED received the Permittees' response to comments in a transmittal dated July 23, 2004, which included a revised Final Audit Report, revised B6 checklists, and additional standard operating procedures.

In the July 8, 2004 comment letter, NMED expressed concern over the recertification process for NTS/ CCP because the audit was held in Carlsbad instead of at the generator/storage site. NMED stated that a recertification audit in Carlsbad followed by a surveillance at NTS may not capture all activities that are evaluated at any other non-CCP generator site during a full recertification audit. NMED subsequently was unable to give an unqualified approval to this recertification Audit Report.

In the Permittees' July 23, 2004 response, it was stated that CCP recertification audits are held in Carlsbad when CCP has demobilized equipment from the generator/storage site prior to the recertification audit date, and that there would be no benefit to transport records, CCP personnel, and auditors to the physical location of the site. However, because CCP continues to process NTS waste characterization documents, the Permittees believe that this approach satisfies the requirement to conduct annual recertification audits. The Permittees also noted that the scheduled surveillance of NTS/CCP would verify that the equipment, processes and procedures remain as currently certified and approved, and that NMED would be invited to observe the surveillance.

On August 3-4, 2004, the Permittees conducted this surveillance of the NTS/CCP (S-04-11) at NTS, and the stated scope of the surveillance was to evaluate the redeployment of characterization equipment at NTS to verify that the equipment, processes, and procedures remain as currently certified and approved for retrievably stored debris waste. NMED personnel observed the surveillance, and on August 20, 2004, NMED received a copy of the surveillance report. The surveillance identified no conditions adverse to quality and offered two recommendations for the Permittees' consideration.

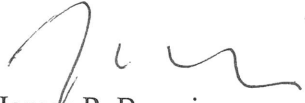
NMED concludes that the revised final Audit Report and the surveillance report, taken together, demonstrate that NTS/CCP has adequately implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for NTS/CCP Audit A-04-04 for the recertification of retrievably stored and repackaged debris contact-handled waste, and amends the previous Audit Report approval for Audit A-02-15 issued by NMED on February 18, 2003 to include all waste forms and processes evaluated by this recertification audit. NMED may withhold approval of future Audit Reports at sites where CCP

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has demobilized until the surveillance to evaluate redeployment has been conducted by the Permittees.

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

cc: Charles Lundstrom, NMED WWMD
Steve Zappe, NMED HWB
Tracy Hughes, NMED OGC
Paul Liebendorfer, NDEP
Laurie King, EPA Region 6
Betsy Forinash, EPA ORIA
Connie Walker, Trinity Engineering
Don Hancock, SRIC
Joni Arends, CCNS
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