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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 1, 2005

Dr. Inés Triay, Acting Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Mr. Richard Raaz, 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-05-02
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Raaz:

On February 10, 2005, the New Mexico Environment Department (**NMED**) received the Final Audit Report of the Nevada Test Site/Central Characterization Project (**NTS/CCP**) Audit Number A-05-02 (**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 Audit Report consisted of the following items:

- A narrative report
- Completed copies of relevant Permit Attachment B6 checklists (hard and electronic copies)
- Final NTS/CCP standard operating procedures (hard and electronic copies)
- 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 5 – 8, 2004. 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:

- Two 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;
- Four observations identifying conditions that, if not controlled, could result in conditions adverse to quality; and
- One recommendation identifying opportunities for improvement.

Attached are NMED's specific 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 requests that the Permittees respond to the concerns identified below and in the attachment and return, as appropriate, a revised Audit Report and checklists, indicating revisions to any text with redline/strikeout annotation. This will ensure the administrative record contains a complete and accurate Audit Report.

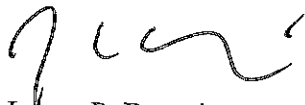
NMED is concerned about the manner in which the Permittees closed CBFO CAR 05-003. This CAR identified the condition adverse to quality as follows: "There is no audio on the video/audio tape for the container loading and bagout for VE in lieu of RTR batch NT-VE-0042. There is audio for the audio/video check." The Audit Report further states, "NCR (NCR-NTS-0500-05) was written to document that 53 drums on 24 tapes lacked complete audio. The tapes were reworked. The Visual Examination Expert provided a new audio portion for the drums in question based on review of the video and written documents." NMED specifically questions the legitimacy of "reworking" defective audio/video tapes by dubbing a new audio track on the existing tape, particularly since those portions of the original tapes with satisfactory audio depict a significant level of communication between the visual examination (VE) expert sitting at a computer terminal and the VE operators handling the waste in the glovebox. It is unclear how this level of interaction between the VE expert and operators can be replicated by recording new audio on the tape. NMED believes that it may have been more appropriate to substitute RTR for those containers with defective VE in lieu of RTR audio records, which in fact was apparently performed for many of the containers in question that were subsequently offered to WIPP for disposal by NTS/CCP. The aforementioned concerns are provided to guide the Permittees should a similar event occur in the future. The Permittees are advised, however, that NMED reserves the right to take enforcement actions for any misplaced waste containers from NTS/CCP where

the characterization method reported in the WWIS was "Visual Examination in lieu of RTR" and the container was previously identified as having incomplete audio.

NMED concludes that this Audit Report demonstrates 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-05-02 for the recertification of retrievably stored and repackaged debris contact-handled waste, and amends the previous Audit Report approval for Audit A-04-04 issued by NMED on August 27, 2004, to include all waste forms and processes evaluated by this recertification audit.

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: Marcy Leavitt, NMED WWMD
Steve Zappe, NMED HWB
Chuck Noble, NMED OGC
Tom Klein, NMED DOE/OB
Tim Murphy, NDEP
Sharon White, 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-05-02

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. Question 4 cites procedure CCP-TP-002 Section 4.3. The cited does not seem to answer the question.
2. Question 12 needs to add procedure CCP-PO-001 Section B-1c to clarify the answers.
3. Question 28 is answered properly, but are the references cited under RTR and VE supposed to be under item A on the checklist?
4. Questions 153 and 154 cite procedure CCP-TP-001 Section B4-2b. The cited section is not found in the cited procedure.
5. Question 236 cites CCP-PO-001 Section B-3c. The cited section does not answer the question.
6. Question 238 needs to add procedure CCP-TP-045 Section 2.2 to clarify the answer.
7. Question 299 cites procedure CCP-PO-001 Section B1-3b(3). The Sections should be B1-3b(4) and B1-3b(5).
8. Questions 300, 301, 302 and 303 cite procedure CCP-PO-001 Section B1-3b(3). They should cite Section B1-3b(5).
9. Question 307 cites Section B1-3b(6) under the "WAP Requirement" column. It should cite Section B1-3b(5), since the cited section does not exist. Also, procedure CCP-PO-001 Section B1-3b(3) is cited. Section B1-3b(5) should be cited instead.
10. Questions 306, 308 and 309 cite Section B1-3b(5) under the "WAP Requirement" column. Section B1-3b(3) should be cited instead.
11. CDA #1, Section 6.0, Requirements not met (include document and paragraph), cites CCP-TP-007, S. 4.3.1 [F]. The citation is wrong.
12. CDA #3, Section 6.0, Requirements not met (include document and paragraph), cites CCP-TP-007, S. 4.6. The citation is wrong.

13. CDA #4, Section 6.0, Requirements not met (include document and paragraph), cites CCP-TP-007, S. 4.5. The citation is wrong.
14. Many Batch Data Reports (**BDRs**) submitted as objective evidence for RTR were not properly completed. In the NTS/CCP QAPjP, CCP-PO-001, Rev.8, "*CCP TRU Waste Characterization Quality Assurance Project Plan*", Table B3-1, Waste Material Parameters and Descriptions have two columns (Waste Material Parameter and Description). It also has twelve rows (Iron-based Metals/Alloys, Aluminum-Based Metals/Alloys, Other metals, Other Inorganic Materials, Cellulosics, Rubber, Plastics (Waste Materials), Organic Matrix, Inorganic Matrix, Soils/Gravel, Steel (Packing Materials), and Plastics (Packaging Materials)). In the BDRs, there are tables to be filled in during the characterization process in which the description and estimated weights are determined. In several of the BDRs (listed below), there are *no* entries in the "Other Metals" category with an estimated weight.

<u>BDR Number</u>	<u>Problem</u>
<u>NTRTR1002</u>	<u>Drums with electrical wire, equipment, cord and/or motors containing copper.</u> Drums: LL85200339TRU and NT980224
<u>NTRTR1006</u>	<u>Drums with electrical cord, device and equipment containing copper.</u> Drums: NT980077 and LL85400183TRU
<u>NTRTR1019</u>	<u>Drums with electrical cord and wire containing copper.</u> Drums: NT980341 and NT980291
<u>NTRTR1020</u>	<u>Drums with electrical cord, cord with connectors, equipment, device, fittings, wire and wire with connectors containing copper.</u> Drums: NT751083, NT79012, NT980045 and NT79024
<u>NTRTR1026</u>	<u>Drums with electrical cord, connectors, equipment, device, plug and wire containing copper.</u> Drums: NT751058/NT041496, NT751017/NT041507, NT780077/NT041479, NT751136/NT041477, NT751111/NT041412 and NT770029/NT041481
<u>NTRTR1029</u>	<u>Drums with electrical cord, connector, device, equipment and wire containing copper.</u> Drums: NT751016/NT041517, NT751016/NT041516, NT980447 and NT751017/NT041508
<u>NTRTR1040</u>	<u>Drums with electrical device, cord and wire containing copper.</u>

Drums: NT282162/NT041578, NT283089/NT041584 and
NT2830581/NT041589

NTRTR1051

Drums with electrical cord and wire containing copper.
Drums: NT284145/NT041701 and
LL85400102TRU/NT041662

NMED notes that this comment is similar to a comment provided on SRS/CCP Audit A-05-01. In response to that comment, the Permittees quoted a portion of Permit Attachment B1, Section B1-3b, which states, "The radiography system involves qualitative and semiquantitative evaluations of visual displays." The Permittees further stated, "When examining heterogeneous debris waste streams, even trained radiography operators will differ in their weight estimates of minor waste material parameter components. Differences in weight estimates like the examples noted above have no impact on the ability of the radiography operators to verify the physical form of the waste and the absence of prohibited items."

However, Permit Attachment B1, Section B1-3b, also states, "A radiography data form is also used to document the Waste Matrix Code and estimated waste material parameter weights of the waste. The estimated waste material parameter and weights should be determined by compiling an inventory of waste items, residual materials, and packaging materials. The items on this inventory should be sorted by waste material parameter and combined with a standard weight look-up table to provide an estimate of waste material parameter weights." NMED does not find any exemption from the requirement to report estimated material parameter weights in this section of the permit, particularly if the data forms in the BDRs are used to document the inventory of waste items and waste material parameters. Table B3-1 in Permit Attachment B3, "Waste Material Parameters and Descriptions", provides the description for "Other Metals" as "All other metals found in the waste materials." The Permittees must provide a more compelling justification as to why these apparently incomplete BDRs (with respect to reporting estimates of waste material parameter weights) can be considered compliant with permit requirements.