



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**

May 3, 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 REVISED APPROVAL OF THE ADVANCED MIXED WASTE TREATMENT PROJECT  
FINAL AUDIT REPORT, AUDIT A-05-08  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Raaz:

On April 29, 2005, the New Mexico Environment Department (NMED) issued a letter approving the revised final Audit Report of the Advanced Mixed Waste Treatment Project (AMWTP) Audit Number A-05-08 (Audit Report). This Audit Report was initially submitted by the Department of Energy's Carlsbad Field Office (CBFO) and Washington TRU Solutions LLC (the Permittees) on March 30, 2005, and subsequently revised and submitted on April 22, 2005 in response to NMED comments. In the approval letter, NMED identified specific limitations, including that the approval was limited to the existing contractor of AMWTP at the time of the audit. NMED based this limitation upon knowledge available in the public domain that, upon successful completion of the audit and certification by the regulators, the Department of Energy would assume control of AMWTP and select a different operating contractor. Furthermore, NMED received notice on April 22, 2005 of Surveillance S-05-12 scheduled for May 10-13, 2005, which would evaluate the impact of the AMWTP management transition from BNFL to Bechtel on the TRU waste certification program. NMED anticipated that this surveillance would produce sufficient assurance to allow a new approval explicitly transferring the approval granted in this letter to the new contractor.

On May 2, 2005, NMED received by fax and e-mail a letter from CBFO stating that the surveillance was "not intended to re-evaluate or re-certify the items that were approved by the

050505

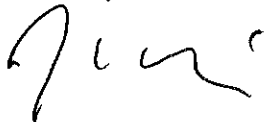


NMED in the final audit report for Audit A-05-08." The letter further stated that the new contractor had "adopted all AMWTP procedures and equipment as contained in the audit report Audit A-05-08 that formed the basis for the facilities and operational certification," and that key personnel in specific positions remained in the positions they held at the time of the audit. On May 3, 2005, CBFO sent by fax and e-mail a letter dated May 2, 2005 from Frank M. Russo, President and General Manager of Bechtel BWXT Idaho, the new contractor for AMWTP, to Mr. Richard Provencher, Assistant Manager of DOE Idaho Operations Office, certifying and personally verifying all information reported in the CBFO regarding the continuation of AMWTP procedures, equipment, and key personnel.

Based upon the information provided by the Permittees, NMED extends the Audit Report approval issued on April 29, 2005, to apply to AMWTP as a generator storage site without limitation to a specific contractor. Limitations excluding debris waste from Bettis Laboratory until adequate acceptable knowledge information is evaluated and approved during a subsequent audit are still applicable.

If you have any questions regarding this matter, please contact me at (505) 428-2512 or Steve Zappe at 428-2517.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:soz

cc: Cindy Padilla, NMED WWMD  
Steve Zappe, NMED HWB  
Chuck Noble, NMED OGC  
Tom Klein, NMED DOEOB  
C Steven Allred, ID DOE  
Kathleen Trever, INL Oversight  
Beth Sellers, DOE-ID  
Laurie King, EPA Region 6  
Sharon White, EPA ORIA  
Connie Walker, Trinity Engineering  
Don Hancock, SRIC  
Joni Arends, CCNS  
~~File: Red WIPP '05~~