



Department of Energy
 Carlsbad Field Office
 P. O. Box 3090
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JUN 03 2005



Mr. James Bearzi
 Hazardous Waste Bureau
 New Mexico Environment Department
 2905 E. Rodeo Park Drive, Bldg. 1
 Santa Fe, NM 87502

Subject: Response to Observer Inquiry on Newly Generated Waste at Idaho Cleanup Project

Dear Mr. Bearzi:

This correspondence is in response to questions raised in the Observer Inquiry received on May 9, 2005, relating to the Idaho Cleanup Project (ICP)/Central Characterization Project (CCP), Audit A-05-012. The inquiry states that the New Mexico Environment Department (NMED), "does not believe the audit team evaluated sufficient objective evidence that would justify approving the implementation and effectiveness of procedures for newly generated solids and debris wastes, particularly in AK [acceptable knowledge]." The inquiry also states that NMED may limit approval to retrievably stored solids and debris waste.

The audit team reviewed AK documentation for waste streams representing all three of the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (HWFP) defined Summary Category Groups as required in Section B4-3f and found each of these areas acceptable. The audit reviewed objective evidence for all of the processes used to confirm AK as required by Section B6-4; that is, the processes that are used to characterize newly generated waste, retrievably stored waste, or both. All of these processes were found to be adequate and effectively implemented. Whether a waste is newly generated or retrievably stored is irrelevant if they are in the same Summary Category Group. Thus, it is unsubstantiated that objective evidence was lacking for solids and debris wastes because no deficiencies were noted in these areas during the audit.

There is no basis for limiting your approval based on designation of waste as newly generated or retrievably stored because the HWFP has no provision requiring separate audits of retrievably stored and newly generated waste. Section B4-3f states that at least one waste stream in each Summary Category Group will be audited to verify that the sites use administrative controls and follow written procedures to characterize retrievably stored and newly generated waste. Section B6-4 is clear in that it requires audit of Summary Category Groups and the need to examine objective evidence for "activities, procedures, or QAOs." All of the processes and procedures that could be used on any waste stream in any Summary Category Group were audited and found satisfactory. The HWFP has no requirement that reviews of these activities or processes be repeated for a second waste stream in a given Summary Category Group for any reason, including the distinction between wastes generated before or after initial program certification by NMED.

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Mr. James Bearzi

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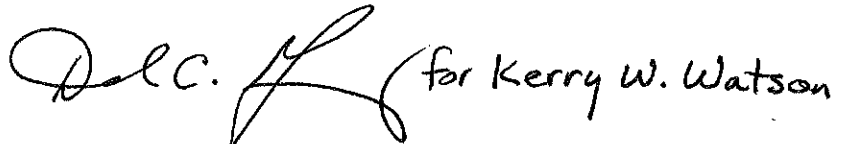
The audit team has concluded that all of the necessary processes are adequate and effectively implemented by ICP/CCP. The audit team has stated that because the sampling program for the S4000 waste stream is incomplete, that portion of the certification audit will be indeterminate. This is because sufficient data for S4000 waste was not available to allow the CBFO auditors to audit the traceability of a container from Summary Category Group S4000 as required by section B4-3f of the HWFP, although the procedures used to generate this data were found to be adequate.

The CBFO plans to conduct a follow-up audit when the S4000 sampling data is available. The NMED will be able to observe this audit and a Final Audit Report will be submitted for NMED approval.

Based on the auditing requirements as defined in the HWFP, the CBFO believes that the information reviewed during the audit is sufficient to certify the ICP/CCP to characterize waste, retrievably stored or newly generated, from Summary Category Groups S3000 and S5000.

If you have any questions, please contact me at (505) 234-7357 or (505) 706-0066.

Sincerely,

A handwritten signature in black ink, appearing to read "D.C. [unclear] for Kerry W. Watson". The signature is written in a cursive style.

Kerry W. Watson, Director
Office of Characterization and Transportation

cc:

I. Triay, CBFO	*ED
A. Holland, CBFO	ED
D. Miehl, CBFO	ED
S. Zappe, NMED	ED
S. Holmes, NMED	ED
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