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RON CURRY
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 31, 2006

Dr. David Moody, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Mr. Richard D. Raaz, President
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

RE: NMED APPROVAL OF THE LOS ALAMOS NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT FINAL AUDIT REPORT, AUDIT A-06-11 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Raaz:

On July 20, 2006, the New Mexico Environment Department (NMED) received the Final Audit Report of the Los Alamos National Laboratory/Central Characterization Project (LANL/CCP) Audit Number A-06-11 (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 recertification audit was to ensure the adequacy, implementation, and effectiveness of the LANL/CCP waste characterization processes for retrievably stored, newly generated, and repackaged debris (S5000) and retrievably stored homogeneous solids (S3000) contact-handled waste relative to the requirements of the WIPP Permit. The Audit Report consisted of the following items:

- A narrative report (hardcopy and electronic)
- Completed copies of relevant Permit Attachment B6 checklists (hardcopy and electronic)
- Final LANL/CCP standard operating procedures (hardcopy and electronic)
- Corrective action reports

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

NMED representatives observed the LANL/CCP audit on May 15-18, 2006. 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 corrective action reports, and
- Two recommendations identifying opportunities for improvement.

Attached are NMED's general comments based upon observation of the LANL/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 correct the items listed in the attachment and return them, indicating revisions to any text in the Audit Report and checklists with redline/strikeout annotation. This will ensure the administrative record contains a complete and accurate Audit Report.

Corrective Action Report (**CAR**) 06-024 identified the condition adverse to quality as the failure of the VE Expert (**VEE**) to sufficiently document the basis for his decision to perform limited VE in lieu of radiography for 145 containers of sludge from homogeneous solid waste stream LA-MIN03-NC.001. The CAR identified this as a failure to comply with lower-tiered CCP procedural steps as the sole potential violation. Considering the limited scope of this CAR, the closure determination for CAR 06-024 issued by CBFO on July 7, 2006 appears to be adequate. However, the broader issue identified during the audit concerned the uncertainty over the VEE's ability to adequately confirm the absence of prohibited items in homogeneous solidified sludge waste containers, particularly liquids that may not be visible at the surface of the waste. Because of this, NMED believes that the CAR should have also evaluated compliance with the following permit requirements:

- The identification of prohibited items Permit Attachment B, Sections B-1c, B-1d, B-3c, B-3d(2)), and
- The description of all contents of a waste container (Permit Attachment B1, Section B1-B3(b)).

NMED believes that until these issues are evaluated, the statement in the Corrective Action Plan that "the potential for liquids in waste drums that have been accepted and shipped is minimal based upon the characterization activities conducted" is premature.

NMED concludes that this Audit Report demonstrates that LANL/CCP has adequately implemented the applicable characterization requirements of the WAP. NMED hereby approves the Permittees' Final Audit Report for LANL/CCP A-06-11 for the recertification of retrievably stored, newly generated, and repackaged debris and retrievably stored homogeneous solids

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contact-handled waste, and amends the previous Audit Report approval for Audit A-05-09 issued by NMED on June 23, 2005 to include all waste forms and processes evaluated by this annual recertification audit.

If you have any questions regarding this matter, please contact Steve Zappe of my staff at (505) 428-2517.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

Attachment

cc: Cindy Padilla, NMED WWMD
Steve Zappe, NMED HWB
Chuck Noble, NMED OGC
Tom Klein, NMED DOEOB
Laurie King, EPA Region 6
Sharon White, EPA ORIA
Connie Walker, Trinity Engineering
Don Hancock, SRIC
Joni Arends, CCNS
File: Red WIPP '06

NMED COMMENTS ON THE
LOS ALAMOS NATIONAL LABORATORY/CENTRAL CHARACTERIZATION
PROJECT (LANL/CCP)
FINAL AUDIT REPORT A-06-11

NMED's review indicated that the body of the Audit Report and the B6 checklists generally appear to address the applicable elements. NMED provides the following comments for the Permittees consideration:

1. B6 Checklist questions 12 and 13 both cite CCP-TP-113, Section 4.1.3 which does not answer the question. That citation discusses scale calibration involved in visual examination. Question 12 refers to prohibited items and question 13 refers to characterization techniques. The correct citation should have been CCP-TP-113, Section 4.3.1.
2. B6 Checklist question 41 cites CCP-TP-001, Section 4.2. This citation does not seem to answer the question.
3. B6 Checklist question 80 cites CCP-TP-003, Section 4.2.2. This does not seem to answer the question.
4. B6 Checklist question 164 cites CCP-TP-005, Section 4.5 and CCP-TP-003, Sections 4.2 and 4.4. These citations do not mention "J" flags.
5. B6 Checklist question 238 appears to be an incomplete sentence. The Permittees should consider a PMR to address this.
6. B6 Checklist question 241 cites CCP-TP-053, Section 4.4.3. This citation does not seem to answer the question.
7. B6 Checklist question 247 appears to be an incomplete sentence. The Permittees should consider a PMR to address this.
8. B6 Checklist question 255 has grammar problems. The Permittees should consider a PMR to address this.
9. B6 Checklist question 256, part J. refers to the one gallon bottle with one cup of fluid as being positioned upside down. The citation, CCP-TP-028, Section 4.1 does not mention the positioning as being upside down.
10. B6 Checklist question 257 appears to be an incomplete sentence. The Permittees should consider a PMR to address this.
11. B6 Checklist question 261, the first sentence, appears to be an incomplete sentence. The Permittees should consider a PMR to address this.
12. B6 Checklist question 266, second sentence, appears to be an incomplete sentence as it should have the word "or" in it. Also in this question, in the third sentence, the words "or" and "batch" need to be present in order to become a complete sentence. The Permittees should consider a PMR to address this.
13. B6 Checklist question 271 has an "RT" in the column of the number. NMED is puzzled by this.
14. B6 Checklist questions 278 and 282 cite CCP-TP-053, Section 4.6, which states "per testing batch" and does not mention "for every tenth waste container". The Permittees should consider a PMR to address this outdated language.
15. Question 310 of the B6 Checklist has the word "if" and it should be "it". This is a typographical error. The Permittees should consider a PMR to address this error.

16. The B6 Checklist, Table B6-3, Note 1 states, "NMED expects a traceability analysis to be performed, the results of which should be presented on the checklist under the "Examples of Implementation" column. Further, the traceability analysis process and results should be discussed in the Final Audit Report." The traceability analysis was adequately performed, as demonstrated in questions 134 and 136 of the B6 Checklist. However, the process and results are not in the audit report narrative.
17. In RTR10, the RPD calculations are inconsistent as some are calculated as RPD as defined on the CCP Radiography/Visual Examination Comparison Report and others are calculated as the absolute value of the RPD.
18. Also in RTR 10, in the CCP Radiography/Visual Examination Report for drum container S804497, there is a handwritten note, which states "*see attachment 6*". This is neither signed nor dated and it is not clear what the note is referring to.