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ENTERED



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 9, 2008

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

Farok Sharif, President
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

RE: NMED APPROVAL OF THE OAK RIDGE NATIONAL LABORATORY CENTRAL CHARACTERIZATION PROJECT REMOTE HANDLED CERTIFICATION AUDIT A-08-12 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Sharif:

On July 31, 2008, the New Mexico Environment Department (NMED) received the Final Audit Report of the Oak Ridge National Laboratory/Central Characterization Project (ORNL/CCP), Audit Number A-08-12 (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 initial certification audit was to ensure the adequacy, implementation, and effectiveness of the ORNL/CCP waste characterization processes for Summary Category Group S5000 debris remote-handled (RH) 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 ORNL/CCP standard operating procedures (hardcopy and electronic)
- Item corrected during the audit

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- Objective evidence examined during the audit:
 - General information
 - Acceptable knowledge
 - Visual examination

NMED representatives observed the ORNL/CCP audit on June 30 through July 2, 2008. 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 that there was:

- One WAP-related deficiency requiring only remedial action that was corrected during the audit.

Attached are NMED's general comments based upon observation of the ORNL/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.

On July 2, 2008 (at the conclusion of the audit), NMED submitted an Observer Inquiry Form questioning the precedent set by CCP not to prepare WAP-required Waste Stream Profile Forms (WSPFs) or Characterization Information Summaries (CISs) for evaluation by the audit team at this audit. NMED stated that, although the Permit does not specify that an RH audit must be performed for each Summary Category Group, NMED and, we believe, the public expect the Permittees to thoroughly assess the RH waste characterization program at these audits. NMED sought the Permittees' position on the evaluation of contact-handled (CH) and RH waste characterization activities by Summary Category Group at audits. NMED suggested that it may use the permit renewal process to formally address the need to clearly impose a requirement to perform RH-specific audits and approvals.

On August 7, 2008, the Permittees responded to NMED's Observer Inquiry and stated their belief that audit A-08-12 was in compliance with the Permit. The Permittees further stated, "Because the Summary Category Group of Debris (S5000) was audited during audit A-08-04 of the ORNL/CCP CH waste characterization program, and the required AK traceability analysis for S5000 waste was performed, there was no Permit requirement to perform a full AK traceability analysis again to gain approval of visual examination of [RH] waste during audit A-08-12. CBFO did take the opportunity during audit A-08-12 to review the AK process that had been applied" to the subject waste stream. The Permittees also stated their opinion that it would be unwarranted for NMED to seek to impose a requirement through the permit renewal process to perform separate AK traceability analyses for RH and CH Summary Category Groups during audit because there was virtually no difference in the characterization requirements for RH waste and CH waste. NMED notes the Permittees' position; we will also consider public input and comment on this subject during the permit renewal process.

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NMED concludes that this Audit Report demonstrates that ORNL/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for ORNL/CCP Audit A-08-12 for the initial certification of S5000 debris RH waste, and amends the previous Audit Report approval for Audit A-08-04 issued by NMED on April 24, 2008 to include all waste forms and processes evaluated by this audit. NMED previously approved the headspace gas (HSG) sampling and analysis characterization technique for S5000 debris contact-handled waste in initial certification audit A-08-04 on April 24, 2008. NMED requests the HSG batch data report prior to the Permittees' approval and issuance of the first ORNL/CCP RH Waste Stream Profile Form.

This Audit Report approval is of the broad programmatic implementation of waste characterization requirements at the generator/storage site, and does not constitute approval of individual waste characterization procedures, nor condone inappropriate applications of those procedures. This approval does not relieve the Permittees of their obligation to comply with the requirements of the Permit or other applicable laws and regulations.

If you have any questions regarding this matter, please contact me at (505) 476-6016 or Steve Zappe at (505) 476-6051.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

cc: Marcy Leavitt, NMED WWMD
Steve Zappe, NMED HWB
Chuck Noble, NMED OGC
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Don Hancock, SRIC
Joni Arends, CCNS
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NMED COMMENTS ON THE ORNL/CCP RH Certification FINAL AUDIT REPORT
A-08-12

1. Question 72 and 73 of the B6 Checklist references a procedure, CCP-QP-507, which was not included in the Audit Report.
2. In question 144 of the B6 Checklist, procedure CCP-TP-500 should also be listed for parts D and F since this audit covers packaging of RH waste in addition to VE records.
3. In questions 144 Part E, 149b Part G, and 313 of the B6 Checklist, CCP-TP-500, Attachment 1 should be cited. NMED recommends that CCP-TP-500 be revised to include the list of prohibited items similar to Table 1 of CCP-TP-113.