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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 22, 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
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Carlsbad, New Mexico 88221-5608

RE: NMED APPROVAL OF THE IDAHO NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT AUDIT A-08-10 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Sharif:

On August 8, 2008, the New Mexico Environment Department (**NMED**) received the Final Audit Report of the Idaho National Laboratory/Central Characterization Project (**INL/CCP**) Audit A-08-10 (**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 **INL/CCP** waste characterization and recertification activities for contact-handled (**CH**) Summary Category Groups S3000 homogeneous solids, S4000 soils/gravel, and S5000 debris wastes as well as remote-handled (**RH**) S5000 debris waste. The final 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 **INL/CCP** standard operating procedures (hardcopy and electronic)
- Corrective action report and item corrected during the audit

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- Objective evidence examined during the audit
 - General information
 - Solids and soils/gravel sampling
 - Acceptable knowledge (AK)
 - Headspace gas
 - Real time radiography
 - Visual examination

The INL/CCP audit was performed at two locations on May 13-15, 2008. NMED representatives observed a portion of the audit in Carlsbad, New Mexico for project level data verification and validation, project level data validation for headspace gas (HSG) analytical data and solid sampling analytical data generated by the INL laboratories, AK, waste certification and WWIS data entry. NMED observed another portion of this audit in Idaho Falls, Idaho for generation level data verification and validation, real time radiography, visual examination, HSG sampling, solids waste sampling, and sample control. NMED has examined the Audit Report for evidence of compliance with the requirements of Permit Conditions I.C.2 (Audit and Surveillance Program) and I.C.1 (Waste Analysis Plan [WAP]). The Audit Report indicates there was

- One WAP-related condition adverse to quality requiring the issuance of a CBFO corrective action report that was corrected prior to submittal of the Audit Report;
- One deficiency requiring only remedial action that was corrected during the audit;
- One observation identifying a condition that, if not controlled, could result in a condition adverse to quality; and
- Three recommendations identifying opportunities for improvement.

Attached are NMED's general comments based upon observation of the INL/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 May 27, 2008 (after the conclusion of the audit), NMED submitted an Observer Inquiry Form regarding the assignment of hazardous waste numbers (HWNs) for the three waste streams generated from activities at the Accelerated Retrieval Project (ARP) at INL (ID-SDA-Debris, ID-SDA-Sludge, and ID-SDA-Soil). Prior to excavation for ARP, CCP AK personnel did not assign certain HWNs because they assumed that the chemical that would impart the listed waste assignment would be present in intact containers or bottles that would be removed during visual examination. However, CCP admitted that few, if any, intact containers or bottles had been encountered during excavation and that it was possible that broken or breached containers and bottles remained in the retrieved waste. NMED stated that CCP must reevaluate the assignment of HWNs assigned to these streams if the original assumptions had been shown to be incorrect.

On September 16, 2008, the Permittees responded to NMED's Observer Inquiry and provided a summary of the activities conducted by CCP to re-evaluate assignment of listed HWNs to the ARP waste streams. The Permittees concluded that these waste streams do not contain discarded

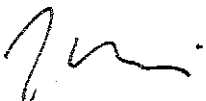
chemical products associated with P- and U-listed waste constituents and provided justification why these HWNs have not been assigned. The Permittees disputed NMED's statement regarding intact containers, saying that "bottles of liquids and solid chemicals have been identified in wastes retrieved for VE and have been removed from the waste." However, the Permittees committed to ensuring that HWNs P098 (potassium cyanide) and P106 (sodium cyanide) would be conservatively assigned to the ARP waste streams to allow for the inclusion of targeted wastes potentially contaminated by residual reacted cyanide resulting from the breach of bottles containing cyanide pellets during future ARP excavation operations. NMED expects to receive a revised waste stream profile form for these waste streams reflecting these additional HWNs.

NMED concludes that this Audit Report demonstrates that INL/CCP has adequately implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for INL/CCP Audit A-08-10 for the continued certification of CH S3000 homogeneous solids, S4000 soils/gravel, and S5000 debris wastes as well as RH S5000 debris waste, and amends the previous Audit Report approvals for Audits A-07-19 and A-08-11 approved by NMED on August 6, 2007, and May 12, 2008, respectively, to include all waste forms and processes evaluated by this recertification audit.

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
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NMED COMMENTS ON THE
IDAHO NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT
(INL/CCP) FINAL AUDIT REPORT A-08-10

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. In questions 4a and 151 of the B6 checklist the response is "NA" for procedures and objective evidence, with a comment that INL/CCP is not seeking an AKSD. NMED notes that procedures for submitting AKSD requests were evaluated and cited in the B6 checklists for previous audits (e.g., A-07-03, A-07-14, A-08-01) even though the generator site was not seeking an AKSD. NMED recommends that the Permittees revise the B6 checklist for these two questions to be consistent with those previous audit reports and to preserve CCP's ability to request an AKSD at INL if they choose to do so at some point in the future.
2. The current wording in Table 1 of CCP-TP-006 includes a definition of "Residual Liquid" that is not consistent with the Permit. NMED recommends that the Permittees require CCP to change Table 1 in CCP-TP-006 to be consistent with the Permit and the prohibited items lists in CCP procedures CCP-TP-053, CCP-TP-113, and CCP-TP-508. NMED also recommends adding the list of prohibited items to CCP-TP-500.