



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
June 17, 2010



Mr. James Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Subject: Transmittal of Information Requested on June 3, 2010

Dear Mr. Bearzi:

The purpose of this letter is to transmit the relevant information responsive to your request of June 3, 2010 *Request for Information* by the New Mexico Environment Department (NMED). The information provided has been redacted to remove signatures and certain cost information. Additionally, some documents have been marked as proprietary and the Applicant's request that such documents are maintained as confidential in accordance with departmental regulations. In summary the responses contain the following information:

1. Organizational charts for Washington TRU Solutions (WTS), Central Characterization Project (CCP), Washington Regulatory and Environmental Services (WRES), and, as necessary, URS that depict the lines of authority for or between the individual(s) overseeing WTS/CCP waste characterization and certification at generator/storage sites and the individual(s) overseeing WRES waste confirmation activities on behalf of the Permittees. In particular, clearly identify the position(s) within these organizations to which the WRES manager reports, both formally and informally.

Information Provided:

The Applicants are providing management level organization charts for the following:

- a. WTS Department Organizational Chart
 - b. URS Global Management and Operation Services Organizational Chart
 - c. WTS Retrieval, Characterization, Transportation Organizational Chart
 - d. WRES Organizational Chart
2. A copy of the affiliate agreement between WTS and URS for the services of WRES.



Information Provided:

- a. Affiliate Agreement and Applicable Addenda
 - b. Most current Statement of Work (Revision 8) associated with the Affiliate Agreement detailing the services WRES provides to WTS
 - c. Statement of Work associated with Waste Confirmation added in 2006
 - d. 2002 Department of Energy (DOE) Approval of Affiliate Agreement with associated documentation
 - e. 2006 DOE Approval of Affiliate Addendum adding Waste Confirmation
3. A copy of any delegation of authority or other approval document by the Carlsbad Field Office (CBFO) authorizing WRES to act on behalf of or otherwise present themselves as agents of the Permittees, and any limitations on such delegation of authority.

Information Provided:

- a. See information provided for Item 2 as to scope of work as delegated from WTS to WRES
 - b. See Item 2d and 2e, DOE approvals of Affiliate Agreement and Addendum
4. Documented evidence (e.g., audits or assessments) created by WTS Quality Assurance (QA), generator/storage sites, CBFO, NMED, and the Environmental Protection Agency (EPA) that the Permittees have measures in place to ensure that conflicts of interest do not arise for WTS/CCP personnel overseeing and implementing waste characterization and certification at the generator/storage sites or for WRES personnel overseeing and implementing waste confirmation activities on behalf of the Permittees.

Information Provided:

The information provided includes audit reports conducted on the CCP Quality Assurance Program by WTS, DOE, and the EPA. Included in these audits is an assessment of organizational independence which is part of NQA-1, Basic Requirement 1. An index of these audit reports is provided with the information. In addition, there are two reports of DOE surveillances of the confirmation program.

5. Policies and procedures that WTS, WRES, and CBFO must follow, if available, regarding conflict of interest, including:
 - a. The Waste Isolation Pilot Plant (WIPP) Management and Operating Contractor requirements for avoidance of conflicts of interest
 - b. DOE code of ethics requirements for its contractors, including, but not limited to Carlsbad Field Office Technical Assistance Contractor (CTAC), WRES, and WTS.
 - c. WTS, WRES, and URS Code of Ethics

Information Provided:

The CBFO follows federal government-wide ethics requirements that are set forth in 18 U.S.C. § 208 and at 5 CFR Part 2640.

- a. FAR 52.203-13 Contractor Code of Business Ethics and Conduct
 - b. CBFO Contractor Oversight Plan
 - c. CTAC MP 1.1 Independence and Organizational Conflict of Interest
 - d. Workplace Meeting Notes (WTS)
 - e. WTS Code of Business Ethics and Conduct (WTS, CCP, WRES)
 - f. URS Code of Business Conduct and Ethics (WTS, CCP, WRES)
 - g. ARRA Ethics
 - h. WTS Personal Conflict of Interests Questionnaire (WTS, CCP, WRES)
6. Policies and procedures that encourage and/or require self-reporting of instances where Permit conditions are not met.

Information Provided:

- a. CBFO MP 3.1 Corrective Action Reports
 - b. CBFO QAPD
 - c. CCP QAPjP (excerpt) which incorporates the "no-fault" reporting requirements of the Hazardous Waste Facility Permit Section B3-13
 - d. AMWTP QAPjP (excerpt) which incorporates the "no-fault" reporting requirements of the Hazardous Waste Facility Permit Section B3-13
7. Policies and procedures outlining "standard industrial practices" requiring individuals to "certify as to the accuracy of their determinations with full understanding of the consequences of purposeful violation of the regulations."

Information Provided:

- a. Attached are four CCP Procedures (CCP-TP-002, CCP-TP-030, CCP-TP-033, and CCP-TP-530) that require a certification statement be signed by an official of either the generator site or the CCP.
 - b. The Permit requires certification for certain documents in a Module I as follows:
 - I.F. SIGNATORY REQUIREMENT
The Permittees shall sign and certify, as specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.11) all applications, reports required by this Permit, or information submitted to or requested by the Secretary.
[20.4.1.900 NMAC (incorporating 40 CFR §270.30(k))]
8. Policies or other documentation stating that DOE is solely responsible for conducting waste characterization audits and surveillances at generator/storage sites.

Information Provided:

- a. Example Transmittal Letter to NMED of a DOE Audit Report solely from DOE
 - b. CBFO MP 10.3 Audits
 - c. CBFO MP 5.2 TRU Waste Site Certification/Recertification
9. Any other relevant existing documents that substantiate the Permittees' argument that no conflict of interest exists for the organizations or individuals actively engaged in characterizing and certifying waste at generator/storage sites or the organizations or individuals generally responsible for ensuring implementation of applicable requirements of the Waste Analysis Plan by generator/storage sites.

Information Provided:

- a. We have identified no additional relevant information

Mr. James Bearzi

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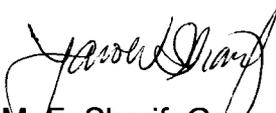
June 17, 2010

We certify under penalty of law that this document and the enclosure were prepared under our direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Please contact George T. Basabilvazo at (575) 234-7488 if you have any questions regarding this transmittal.

Sincerely,


David C. Moody, Manager
Carlsbad Field Office


M. F. Sharif, General Manager
Washington TRU Solutions LLC

Enclosure(s)

- two 3" binders on bookshelf
also on CD

cc: w/o enclosures

S. Zappe, NMED

*ED

J. Kieling, NMED

ED

C. Walker, Trinity Engineering

ED

CBFO M&RC

*ED denotes electronic distribution