



NEW MEXICO
ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 12, 2010

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 FINAL AUDIT REPORT, AUDIT A-10-08 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Sharif:

On June 30, 2010, 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-10-08 (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 ORNL/CCP waste characterization processes for retrievably stored Summary Category Group S5000 debris remote-handled (RH) and contact handled (CH) waste and S4000 soils CH waste relative to the requirements of the WIPP Permit. This recertification 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)
- Corrective action reports and items corrected during the audit

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

NMED representatives observed the ORNL/CCP audit on February 9 – 11, 2010. 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 WAP-related conditions adverse to quality requiring the issuance of CBFO corrective action reports that were corrected prior to submittal of the Audit Report;
- One deficiency requiring only remedial action that was corrected during the audit; and
- One recommendation identifying an opportunity for improvement.

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.

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-10-08 for the recertification of S5000 debris RH and CH waste and S4000 soils CH waste, and amends the previous Audit Report approvals for Audits A-09-07, A-09-22, A-09-24 issued by NMED on April 23, 2009, November 2, 2009, and October 14, 2009, 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.

Dr. Moody and Mr. Sharif
August 12, 2010
Page 3

If you have any questions regarding this matter, please contact Steve Zappe at 476-6051.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

cc: Marcy Leavitt, NMED WWMD
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NMED COMMENTS ON THE
OAK RIDGE NATIONAL LABORATORY/CENTRAL CHARACTERIZATION
PROJECT (ORNL/CCP)
FINAL AUDIT REPORT A-10-08

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 question 219 of the B6 Checklist, the question was not answered correctly and the note in the 'Comment' column is incorrect. In Permit Attachment B1, Section B1-6, Sample Packing and Shipping, the third paragraph, the fifth and sixth sentences refer to both headspace gas samples and solids samples. The citation reads as follows: "*All shipping containers will contain appropriate blank samples to detect any VOC cross-contamination. A DOT approved cooler, or similar package may be used as the shipping container.*" The answer to the question needs to be addressed by providing objective evidence in the 'Item Reviewed' column; answering the question for adequacy in the 'Adequate? Y/N' column, and deleting the comment in the 'Comment' column.
2. In question 234 of the B6 Checklist, BDR OR-RTR6-0233 is listed as objective evidence that procedures to ensure RTR is used to "verify the waste's physical form" were implemented. However, CBFO issued CAR 10-017 because the both the operator and the ITR incorrectly identify the Waste Matrix Code, i.e., the "physical form of the waste," for container X10C0506047 in BDR OR-RTR6-0233. Revise the B6 Checklist to include a note of this in the comment section.
3. Question 236 of the B6 Checklist asks for objective evidence that procedures are in place to ensure that containers whose contents cannot be fully examined are characterized using VE or AK. CCP-TP-053 is listed as the implementing procedure and requires the RTR operator to initiate an NCR if the waste cannot be penetrated, i.e., fully examined. BDR OR-RTR6-0233 was inspected as part of the audit, but was not listed as objective evidence. CBFO issued CAR 10-018 because there were several drums in the BDR that had impenetrable items and for which no NCRs were initiated. Revise the B6 Checklist to include BDR OR-RTR6-0233 as objective evidence and include a note regarding CAR 10-018 in the comment section.