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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 22, 2010

David Moody, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3100
Carlsbad, New Mexico 88221-3100

Farok Sharif, 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-10-14
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Sharif:

On August 18, 2010, 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-10-14 (**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 LANL/CCP TRU waste characterization processes for retrievably stored Summary Category Group S3000 homogeneous solids and S5000 debris Contact handled (**CH**) wastes 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 and items corrected during the audit

- Objective evidence examined during the audit
  - General information
  - Acceptable knowledge
  - Headspace gas sampling
  - Real time radiography
  - Visual examination

NMED representatives observed the LANL/CCP audit on April 27-29, 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 three WAP-related conditions adverse to quality requiring the issuance of CBFO corrective action reports that were corrected prior to submittal of the Audit Report

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.

NMED concludes that this Audit Report demonstrates that LANL/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for LANL/CCP Audit A-10-14 for the recertification of retrievably stored S3000 homogeneous solids and S5000 debris CH waste, and amends the previous Audit Report approval for Audit A-09-12 issued by NMED on July 24, 2009 to include only those waste forms and processes evaluated by this recertification audit. NMED retains the limitation from the previous Audit Report approval that the Permittees must perform a surveillance, following adequate notice to NMED, of LANL/CCP VE procedures applied to S3000 CH waste prior to LANL/CCP using VE to characterize, certify, and subsequently ship any S3000 CH waste to WIPP.

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 Steve Zappe at 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
Thomas Kesterson, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
Don Hancock, SRIC
Joni Arends, CCNS
File: Red WIPP '10

Attachment 1

NMED COMMENTS ON THE LOS ALAMOS NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT (LANL/CCP) FINAL AUDIT REPORT A-10-14

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 comment for the Permittees consideration:

1. In Question 314 of the B6 Checklist, CCP-TP-113 is cited as meeting the VE QAOs for Accuracy, Completeness, and Precision, but not for Comparability; instead, the CCP Training Program (CCP-PO-001 and CCP-QP-002) is cited as meeting the QAO for Comparability. Upon further discussion with CBFO, NMED acknowledges that Questions 2 and 22 of Attachment 3 in CCP-TP-113 (ITR Checklist) do address the Comparability QAO, albeit indirectly. The Permittees should eliminate the following comment for Question 314 because it is incorrect: "Precision, accuracy, and completeness are verified during ITR review per CCP-TP-113. Comparability is assured via the training program described in CCP-PO-001 and CCP-QP-002."

2. In question 313 of the B6 Checklist, there is no basis in Revision 13 of CCP-TP-113 (included in the audit report) for the following statement in the Comments column: "Although this approach is allowed by the Permit for non-transparent containers, CCP would conservatively reject such a container as not containing as little residual liquid as is reasonably achievable." This is, however, addressed in Revision 14. The Permittees must revise this comment or cite (and submit) Revision 14 as the implementing procedure.

3. CBFO CAR 10-025 was written to address the following Condition Adverse to Quality (**CAQ**): "During visual examination (VE) in TA-55 and TA-50, the CCP VE operators record their field observations manually on data forms. These are surveyed out and the data are then transferred to electronic versions of the VE data sheets for the output container that are included in the BDR. The original handwritten field record is destroyed after the data are entered in the final VE data sheets. Therefore, the ITR does not have an opportunity to verify the data have been properly transferred and reduced from the field records."

Section B3-10a(1) of CCP-PO-001 is cited as a requirement that was violated. Section B3-10a(1) of CCP-PO-001 and the Permit require that the independent technical reviewer ensure that "QAOs have been met according to the methods outlined in Sections B3-2 through B3-9."

A requirement of the Corrective Action Plan (**CAP**) was that CCP-TP-113 be revised to require that field records (raw data) be included in the BDR. Question 314 of the B6 Checklist, which corresponds to Permit Section B3-4b (VE QAOs), includes the following statement in the Comments column: "Precision, accuracy, and completeness are verified during ITR review per CCP-TP-113 and CCP-TP-069." However, Revision 13 of CCP-TP-113 (included in the Audit Report) does not include the requirement that the raw data is included in the BDR, and therefore the above statement is not supported because the ITR cannot "verify the data have been properly transferred and reduced from the field records," and therefore cannot meet the Precision QAO. The Permittees must revise the comment to note that CAR 10-025 was written to address the requirement and cite (and submit) Revision 14 of CCP-TP-113 as the implementing procedure.