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NEW MEXICO ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 20, 2010

Ed Ziemianski, Acting 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 IDAHO NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT FINAL AUDIT REPORT, AUDIT A-10-16 WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Messrs. Ziemianski and Sharif:

On September 10 2010, the New Mexico Environment Department (**NMED**) received the Final Audit Report of the Idaho National Laboratory/Central Characterization Project (**INL/CCP**) Audit Number A-10-16 (**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 certification activities for contact-handled (**CH**) Summary Category Groups S3000 homogeneous solids, S4000 soils/gravel, and S5000 debris wastes, and remote-handled (**RH**) S3000 homogeneous solids and S5000 debris 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 Permit Attachment B6 checklists (hardcopy and electronic)
- Final INL/CCP Laboratory standard operating procedures (hardcopy and electronic)
- Corrective action report and item corrected during the audit
- 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 INL/CCP audit on June 8-10, 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 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; and
- One recommendation identifying an opportunity for improvement.

Attached are NMED's general comments based upon observation of the 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 INL/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for INL/CCP Audit A-10-16 for the recertification of CH homogeneous solids, soils/gravel and debris wastes as well as RH homogeneous solids and debris wastes, and amends the previous Audit Report approvals for Audits A-09-14 and A-10-03 issued by NMED on September 11, 2009 and December 21, 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.

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

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

Attachment

cc: Steve Zappe, NMED HWB
Thomas Kesterson, NMED DOEOB
Toni Hardsety, IDEQ
Susan Burke, IDEQ INL Oversight
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
IDAHO NATIONAL LABORATORY/CENTRAL CHARACTERIZATION PROJECT
(INL/CCP) FINAL AUDIT REPORT A-10-16

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 313 of the B6 Checklist, CCP-TP-006 is cited as an implementing procedure, but there is no basis in Revision 14 of CCP-TP-006 for the following statement in the Comments column: "Liquids are separated at time packaging at ARP." CBFO must direct CCP to revise CCP-TP-006 to address the requirement in the Permit.

2. In question 314a of the B6 Checklist, CCP-*QP*-006 is cited. NMED believes this should be CCP-*TP*-006.

3. As written, CDA #1 is nonsensical and appears to have been inappropriately filled out by the audit team members. Section 5.0, Description of Condition Adverse to Quality, is not unrelated to Section 7.0, Actions Taken By Auditee, and both appear to have been pasted verbatim into the body of the audit report on page 15. The first paragraph of Section 7.0 appears to be the description of a second condition adverse to quality, not an action taken to address the paragraph in Section 5.0. Furthermore, the statement, "These discrepancies were resolved and verified during the audit" does not provide useful information. On the other hand, the Discrepancy Resolution documents attached to the CDA form include sections labeled, "Nature of Discrepancy" and "Resolution," which could be distilled down to provide meaningful information in Sections 5.0 and 7.0 of the CDA form. Section 5.0 must contain the description of both conditions adverse to quality (i.e., the 1- vs. 2-gallon inner container discrepancy and the discrepancy over assigning F007 and F009), and Section 7 must specifically address what actions the auditee took to resolve both discrepancies. CBFO must submit a revised CDA form.