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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 3, 2011

Edward Ziemianski, Acting 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 SAVANNAH RIVER SITE/CENTRAL CHARACTERIZATION
PROJECT FINAL AUDIT REPORT, AUDIT A-11-01
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Ziemianski and Sharif:

On February 7, 2011, the New Mexico Environment Department (NMED) received the Final Audit Report of the Savannah River Site/Central Characterization Project (SRS/CCP) Audit Number A-11-01 (**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 ILC.2.c. The intended scope of this annual recertification audit was to ensure the continued adequacy, implementation, and effectiveness of the SRS/CCP waste characterization processes for Summary Category Groups S3000 homogeneous solids, S4000 soils/gravel, and S5000 debris contact-handled waste (CH) and S3000 and S5000 remote-handled (RH) waste relative to the requirements of the WIPP Permit. The audit also evaluated the initial certification of activities related to real-time radiography Unit 4 to characterize standard large box 2s (SLB2s) and the Large Container Non-Destructive Examination system to characterize standard waste boxes and SLB2s. The Audit Report consisted of the following items:

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- A narrative report (hardcopy and electronic)
- Completed copies of relevant Permit Attachment B6 checklists (hardcopy and electronic)
- Final SRS/CCP standard operating procedures for characterization of the waste categories listed above (hardcopy and electronic)
- Objective evidence examined during the audit
 - General information
 - Solids sampling
 - Acceptable knowledge
 - Headspace gas
 - Real time radiography
 - Visual examination

NMED representatives observed the SRS/CCP audit on October 26-28, 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 recommendation identifying an opportunity for improvement.

The Executive Summary of the Audit Report states, "Initial certification activities related to the real-time radiography (RTR) Unit 4 for characterization of the standard large box 2s (SLB2s) and the Large Container Non-Destructive Examination (LCNDE) system for characterization of the standard waste boxes (SWBs) and SLB2s were determined to be adequate, satisfactorily implemented, and effective." This determination is further clarified in Section 5.2.6, which states, "The audit team was unable to review BDRs and the LCNDE at the time of the audit. Surveillance S-11-10 was conducted November 30 through December 1, 2010 as a follow-up, to verify the adequacy, implementation, and effectiveness of the SRS/CCP LCNDE System used for characterizing contact-handled and remote-handled waste in SWBs and SLB2s. The surveillance team reviewed batch data reports (BDRs) and observed associated video/audio media. The surveillance team determined that the SRS/CCP LCNDE activities were adequate, satisfactorily implemented, and effective. No concerns were identified." The results of Surveillance S-11-10 were included in the Audit Report as objective evidence to document this determination that was indeterminate at the October 26-28, 2010 audit.

Neither Surveillance S-11-10 nor Audit A-11-01 evaluated the adequacy, implementation, or effectiveness of any radiography system for characterizing RH TRU waste, despite statements in the Audit Report to the contrary. This is also consistent with the most recent SRS/CCP recertification expansion memorandum issued October 4, 2010, which indicates that real-time radiography is not applicable to any RH TRU waste. Thus, NMED's approval of new real-time radiography capabilities will be limited to CH TRU waste.

NMED notes that Surveillance S-11-10 of SLB2s examined by the LCNDE system was limited because only two SLB2s had completed project level verification and validation. NMED expressed concern during the surveillance caucuses that these SLB2s appeared relatively empty and that the contents may not be representative of the range of containers in the waste stream.

NMED recommends that the Permittees conduct an additional surveillance prior to commencement of shipping SLB2s from this waste stream in order to ensure the LCNDE system has been adequately assessed using SLB2s that are representative of the waste stream.

NMED concludes that this Audit Report demonstrates that SRS/CCP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for SRS/CCP Audit A-11-01 for the recertification of retrievably stored and repackaged debris and homogeneous solids contact-handled waste, and amends the previous Audit Report approval for Audit A-10-01 issued by NMED on March 16, 2010 to include all waste forms and processes evaluated by this recertification audit. This approval also includes the initial certification of activities related to real-time radiography Unit 4 to characterize SLB2s and the LCNDE system to characterize SWBs and SLB2s, but is limited to CH TRU waste only.

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

cc: Steve Zappe, NMED HWB
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