

*Informal presentation
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STATUS OF THE CENTRAL CONFIRMATION FACILITY PERMIT MODIFICATION REQUEST

3-9-01



010311

ENTERED

STATUS

- Comments Addressed
- Next Submittal
- Key Features
- Classification
- Specific Comments

DOE IS LISTENING

- Comments addressed
 - We addressed external comments from the NMED, stakeholders, the EEG, and the New Mexico Attorney General's Office
 - Will go into how we dealt with major comments later in discussion.
- Significant changes as the result of comments
 - Storage time and capacity
 - Modification class
 - Audit program
 - Separate Waste Analysis Plan section

SCHEDULE

- Submittal to NMED before end of March

KEY FEATURES

- 5 Items
 - Confirmation at WIPP
 - Clarification of characterization versus confirmation
 - Inclusion of Attachment B7
 - Storage locations
 - Storage time
 - Storage volume
 - Prohibited items
- Overview with justification and background information

CLASSIFICATION

- Items 2, 3, and 4 are in 20.4.1.900 NMAC incorporating 40 CFR 270.42 Appendix I as Class 2 items
- Items 1 and 5 are not in 20.4.1.900 NMAC incorporating 40 CFR 270.42 Appendix I
 - Covered by 20.4.1.900 NMAC incorporating 40 CFR 270.42(d)
 - Submit as Class 3
 - Request determination of Class with recommendation
 - Similarity to other items
 - Substantial change to facility design or operation

CLASSIFICATION

- DOE's basis
 - Similar to “other changes” to the waste analysis plan
 - Similar to “other changes” to the waste analysis quality assurance/quality control plan
 - Similar to other changes in inspection schedules
 - Not a substantial change since it affects less than 10 % of the operations
- NMED may determine that the modification is a Class 3 based on
 - Significant public concern
 - Complexity of the modification

SPECIFIC COMMENTS

CONCERN	ED	AG	EEG	SH	EPA
Classification of the modification	X	X		X	X
Audit program	X	X	X	X	
Prohibited items	X	X	X	X	
Opening drums at WIPP	X	X	X	X	
Programmatic changes	X				
Acceptable knowledge	X	X	X	X	
Lack of definition of responsibilities	X				
Shipment of uncharacterized waste			X	X	
Confusing terminology	X		X		
Indefinite storage	X			X	X
Storage volume calculations		X		X	
Scope of the modification				X	

Classification of the modification

- **ISSUE:** NMED, EPA, NMAGO, and stakeholders expressed concern that the modification did not fall under the criteria for a class 2 modification. Among other reasons, the NMED cited a great deal of public interest in the modification.
- **RESOLUTION:** the DOE is addressing this by submitting the modification under 20.4.1.900 NMAC incorporating 40 CFR 270.42(d). Under this requirement, the DOE is requesting the NMED to determine the classification of the modification.

Audit program

- **ISSUE:** NMED, EEG, NMAGO, and stakeholders expressed concern that the changes to the audit program in the original submittal altered the intent of the permit with regard to using the audit program to assure that waste characterization provided all of the information required by the regulations.
- **RESOLUTION:** The DOE is now proposing no changes to the audit program except for the location (WIPP instead of every site).

Prohibited items-1

- **ISSUE:** NMED, EEG, NMAGO, and stakeholders expressed concern that if a prohibited item (free liquids, containerized gases) is shipped to WIPP, that it would be stored on the surface for long periods of time and that there was not sufficient contingency to properly handle the item.
- **RESOLUTION:** The proposed modification now contains definitive contingencies in Attachment F for dealing with prohibited items. However, emphasis remains on assuring that no such items are transported to the WIPP.

Prohibited items-2

- **ISSUE:** NMED, EEG, NMAGO, and stakeholders expressed the concern that the management of prohibited items found in waste at WIPP would require a treatment permit.
- **RESOLUTION:** The modification addresses what would be done in each case. None of the possible actions require treatment permits based on either regulatory standards (i.e., solidification of liquids) or policy established by NMED (i.e., puncturing aerosol cans).

Opening drums at WIPP

- **ISSUE:** NMED, EEG, NMAGO, EPA, and stakeholders expressed concern that the proposal was a departure from the original planning for the WIPP, particularly with regard to opening containers of waste.
- **RESOLUTION:** In the modification, the DOE proposes to do this in a glove box. In addition, we have submitted the digital radiography modification to minimize the need to open containers. If the digital radiography modification is approved, the WIPP will employ the DR/CT technology in order to provide sufficient quality control of radiography and obviate the need for routine visual examination of waste.

Programmatic changes

- **ISSUE:** The NMED pointed out that some of the wording in the original modification constituted overall waste analysis program changes (e.g., affected all the sites and not just the WIPP facility) and therefore should be a class 3 modification.
- **RESOLUTION:** The modification has removed the specific language that the NMED pointed out and has attempted to leave the overall program intact by creating a separate section of the waste analysis plan to deal with centralized confirmation.

Acceptable knowledge-1

- **ISSUE:** The NMED, EEG, N MAGO, and stakeholders expressed concern that the acceptable knowledge proposal was not consistent with the original permit.
- **RESOLUTION:** The revised proposed modification does not remove any of the original AK requirements. Also, the modification adds a step whereby the NMED will have to opportunity to approve the initial audit report for AK collection prior to waste being shipped to the WIPP facility from a site for confirmation and NMED will be given an opportunity to review the AK summary package, prior to authorizing a shipment from a waste stream.

Acceptable knowledge-2

- **ISSUE:** The NMED, EEG, NMAGO, and stakeholders expressed concern about the quality of acceptable knowledge for waste at several of the small quantity sites.
- **RESOLUTION:** The proposed modification makes it clear that without adequate acceptable knowledge, waste will not be shipped. Instead, generators will have to obtain needed information to complete the AK record.

Lack of definition of responsibilities-1

- **ISSUE:** The NMED was concerned that the proposed modification did not adequately discern between the activities that are the responsibility of the generator site and those that are the responsibility of the WIPP.
- **RESOLUTION:** The revised modification clearly defines the difference between characterization and confirmation and allows only confirmation activities at the WIPP facility. Generators can engage in both characterization and confirmation.

Lack of definition of responsibilities-2

- **ISSUE:** The NMED expressed the concern that the modification was not clear on who, when and where data validation and verification was to be performed.
- **RESOLUTION:** The proposed modification now clearly defines a WIPP-chartered certification team that has the responsibilities of the site project manager and the site QA manager. This team has the responsibility to assure all the data review, verification, validation, and management activities of the permit are implemented.

Shipment of uncharacterized waste

- **ISSUE:** The NMED, EEG, NMAGO, and stakeholders expressed concern that waste that comes to WIPP will be insufficiently characterized.
- **RESOLUTION:** The modification clearly defines as “characterization” those activities needed to assure safe transportation and storage at WIPP and “confirmation” as those activities that must be completed prior to disposal. This assures that all waste is appropriately characterized prior to its arrival at WIPP.

Confusing terminology

- **ISSUE:** NMED and EEG were concerned about the confusion that was created in the use of the term “generator/storage” site.
- **RESOLUTION:** The proposed modification now defines the term and uses it consistently throughout the modification.

Indefinite Storage

- **ISSUE:** The EPA and several stakeholders expressed concern over the request for an indefinite storage period.
- **RESOLUTION:** The proposed modification requests one year and provides justification based on possible confirmation delays (drum age criterion, awaiting completion of verification and validation).

Storage Volume Calculations

- **ISSUE:** None of the reviewers understood the storage volume calculations for determining the 25 % increase
- **RESOLUTION:** A detailed explanation is provided for the determination of the 25 % increase in storage capacity.

Scope of the Modification

- **ISSUE:** Several stakeholders were concerned that the central confirmation facility would be used by both small and large sites.
- **RESOLUTION:** The modification has been made clear that any site may use the WIPP central confirmation capability so long as all the waste characterization requirements are met. It is also clear that small quantity sites are the motivating force behind this modification request.