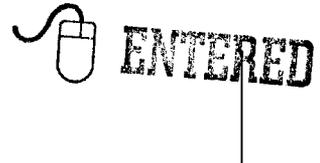


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**POSITION PAPER**

**USE OF THE CENTRALIZED CHARACTERIZATION PROJECT (CCP)  
FOR  
WASTE CHARACTERIZATION  
June 4, 2001**

Recent discussions occurred between Mr. Steve Zappe of the New Mexico Environment Department (NMED) and Ms. Elizabeth Bennington of the Department of Energy (DOE), Carlsbad Field Office (CBFO) regarding the ability to use the Centralized Characterization Project (CCP) team to perform waste characterization activities and generate characterization data at the Savannah River Site (SRS).

The following issues were raised by NMED in those telephone conversations:

- Issue 1      The public is aware of the proposed centralized confirmation program and the use of the CCP is a means by which to circumvent the modification process.
- Issue 2      The CCP is acting as the "generator/storage site" when it obtains waste characterization data.
- Issue 3      The CBFO is relying on memoranda of understanding and interface documents to define the scope of work at the SRS that is not within the purview of the Hazardous Waste Facility Permit (HWFP). Neither the HWFP nor the permit record mentions either of these documents.
- Issue 4      Mobile vendors or the CCP must work under the generator/storage site's audited and approved TRU program.
- Issue 5      The DOE may not rely on any language that was added to the HWFP via the Class 1 permit process unless that language has been adopted by the NMED in their most current version of the HWFP (August 8, 2000).

**Issue 1:      CCP As A Means to Circumvent the Permit Modification Process**



The CCP is tasked with characterizing and certifying transuranic (TRU) waste for disposal at the Waste Isolation Pilot Plant (WIPP). Characterization, under the permit consists of the accumulation and evaluation of acceptable knowledge and may involve, radiography; visual examination (VE); headspace gas sampling and analyses; and totals sampling and analyses, as applicable for the waste stream.

The Waste Analysis Plan (WAP), as set forth in the Waste Isolation Pilot Plant Hazardous Waste Facility Permit (HWFP), specifies that the generator/storage sites (hereinafter referred to as "sites") conduct TRU waste characterization and certification, including data generation-level and project-level data validation and verification. The CCP was established to provide, on a contractual basis, cost-effective TRU waste characterization, confirmation, and certification, including data generation-level and project-level data validation and verification in accordance with the WAP and other site-specific programmatic documents.

The flow diagram included as Figure 1 depicts how the CCP process will proceed. As indicated waste characterization will be performed at the generator/storage site by the CCP under a contractual agreement with that host site. This generator site assistance portion of the CCP has begun. The generator site assistance portion of the CCP does **not** require a permit modification since all work is performed at the generator sites. This element provides equipment and personnel to a site to assist it in meeting the WAP requirements for waste characterization and confirmation. At present the CCP has assistance programs underway at SRS (to assist Mound<sup>1</sup>), Argonne National Laboratory-East, and the Nevada Test Site. The DOE and MOC have not identified any needed modifications to the HWFP for the generator site assistance activities because all activities are being conducted according to the current HWFP. That is, the generator/storage site implements their program through the CCP. The generator/storage site is required to sign all certifications (i.e., waste stream profile form, waste manifest or request the CCP to sign on their behalf.) At this phase, a certification audit of the Central Characterization Project occurs at each SQS using standardized procedures.

<sup>1</sup> Under an arrangement with the State of South Carolina, SRS is allowed to take certain waste from Mound in exchange for shipping waste to WIPP on a "one drum in for two drums to WIPP" basis

### Current and Proposed Activities of the CCP

The CCP is working as a contractor to SRS under a contractual agreement between Westinghouse TRU Solutions, LLC (WTS) and Westinghouse Savannah River Company (WSRC). This contract delineates the responsibilities of both parties.

The WSRC has dual paths currently underway at the SRS. The WSRC is currently characterizing waste under an audited and certified program approved by the NMED and shown to be in compliance with the WAP. Concurrently, the WSRC has contractually committed to use WTS, to characterize additional waste under a separate audited and certified program in compliance with the WAP.

WTS is responsible for characterizing approximately 3000 containers of TRU waste at the SRS facility for the following activities:

- Provide all necessary equipment and qualified personnel to perform all waste characterization activities (except visual examination)
- Assemble Acceptable Knowledge (AK) data and develop AK Summary Reports
- All CCP systems will be subject to an independent CBFO audit as required by the current HWFP
- Undergo a readiness assessment prior to any waste characterization

The CCP certification procedures require the host-site to sign the manifest. The CCP will prepare the Waste Stream Profile Form (WSPF) as required by the WAP and may sign the WSPF if so directed by the host site. The host site Site Project Manager (SPM) will also sign the WSPF to indicate their concurrence with the information on the WSPF.

The CCP is currently mobilized at SRS and Argonne National Laboratory-East and will be at the Nevada Test Site in the near future. Programs similar to those set up at SRS will be contractually incorporated at these locations as directed by the host site.

It is not desirable for each small quantity site to develop separate programs. The CCP will provide a standard set of equipment, procedures, and programmatic documents that will meet all of the regulatory and DOE requirements for waste characterization, certification, and transportation for disposal at WIPP. CCP will not become the "generator/storage site." CCP will not take ownership of the waste. CCP will characterize and certify waste under contractual agreements with these sites; however the host-site DOE entity will maintain ownership of the waste.

**Issue 2: CCP Acting as the "Generator/Storage Site"**

The CCP will not be the generator of the waste it characterizes as defined in 40 CFR Subpart 260.10 "any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this chapter or whose act first causes hazardous waste to become subject to regulation." Under this requirement the CCP would not become the generator or "co-generator" of the hazardous waste at these sites. Therefore, the CCP can only be a contractor performing work for the generator/storage site management.

**Use of Contractors to Perform Waste Characterization**

The function of the CCP is to provide the generator/storage sites with a contractor that can mobilize to the site and provide a "turn key" transuranic waste characterization program that meets the HWFP (WAP). The WAP requires the generator/storage site to perform and document waste characterization and certification. CCP will be one of the contractors that the sites can hire to perform this work. It is assumed that the CCP will be the best selection because it will bring a known, standardized program to each site.

The use of contract services to characterize and verify waste at a generator site is a common occurrence both at commercial generator/storage sites and within the DOE complex (e.g. Kaiser Hill has contracted waste characterization activities to Rocky Mountain Remediation Services (RMRS); to British Nuclear Fuels Limited (BNFL) and to Canberra at the Rocky Flats Environmental Technology Site (RFETS); the Westinghouse Savannah River Company (WSRC) has contracted characterization to a variety of subcontractors and the Hanford program is an assemblage of site contractors).

The ability to use outside analytical services is currently described in the WAP. Section B1-5 of the WAP states: "in the event that the analytical facilities are not at the generator/storage site, the samples should be packaged and shipped to an off-site laboratory." Therefore, the NMED had already anticipated the use of contract services and characterization work being performed off site in preparing the final WIPP HWFP.

Nothing in the state or federal regulations precludes the use of contractor services. On the contrary, the United States Environmental Protection Agency (USEPA) has clarified this question in a letter from Diane Riggs, Attorney, USEPA Solid Waste and Emergency Response Division to Mr. William Guerry dated October 22, 1988 in which Ms. Riggs states:

Subparts C and D of Part 262 delineate the generator's pre-transport, recordkeeping and reporting requirements. The purpose of the regulations is to ensure that wastes are properly packaged and reported. EPA believes that delegation of these responsibilities will not affect the proper packaging or reporting of the waste because the generator must be identified on the manifest and the generator will remain responsible for proper fulfillment of these requirements no matter who performs them. Because the regulations do not explicitly address the issue and the purpose of the requirements can be equally well fulfilled by contractors, the requirements of Subparts C and D may be delegated."

Ms. Riggs also states in the same letter the USEPA position on who may sign the manifest certification. She states the following:

The instructions for the certification, Item 16, specifically allow for a signature to be "on behalf of" a generator. 40 CFR Part 262, Appendix, and see 51 Fed. Reg. 35192, October 1, 1986. This language allows the generator to authorize someone, including a contractor, to sign the certification. The contractor and the generator should establish the means to ensure that the contractor is properly authorized to sign on behalf of the generator."

**Issue 3: CBFO is relying on memorandum of understanding and interface documents to define the scope of the work at SRS. These documents are not defined in the HWFP.**

The MOU is not addressed in the WAP because it does not address characterization or certification. The interface document is a procedure as discussed in section B5-1, which states that "procedures" refer to any site-specific implementing document. While the term "interface document" is not used in the WAP in Section B5-1, it does state that any document used to implement program activities by any name is to be considered a procedure under the WAP QA program.

**Issue 4: Mobile vendors or the CCP must work under the generator/storage sites audited and approved TRU program**

CCP will work under approved generator/storage site programs; however, the CCP program is the program the generator/storage site will offer to CBFO for audit. Each site is responsible for developing a WAP-compliant program. It is better that each site contract for the same program, a program that has been reviewed and approved by the regulators at other locations, than for each site to begin with new personnel. It is assumed that a standardized program, implemented by a cadre of

experienced operators, will be far superior than one that forces each site to develop its own process on its own.

At the SRS, CCP will be working independent of the SRS audited program. The procedures and personnel characterizing waste for SRS will not be applicable to the waste characterized by CCP. The exception here is that CCP will have the SRS visual examination process perform the QC check on radiography for them as a contractor.

The SRS visual examination process will be qualified under the CCP QA program as would any other contract laboratory service.

**Issue 5: Use of Class 1 modifications not adopted by NMED in their most recent version of the HWFP**

The issue of the use of Class 1 modifications will be addressed under separate cover.