



**Subject:** Re: Seeking opinions on current WIPP characterization plans

**From:** "John Owsley" <jowsley@mail.state.tn.us>

**Date:** Mon, 02 Jul 2001 10:01:53 -0500

**To:** <Steve\_Zappe@nmenv.state.nm.us>

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Steve,

Below please find TN's opinion as expressed by the Division of Solid Waste management and DOE oversight.

As a State that both receives DOE wastes from other states and ships DOE waste to other states, the importance the fact that the DOE generating/storing site clearly retains ownership of the waste as well as the overall responsibility for characterization information and manifesting the waste shipments is very clear.

Further, full support for the use of mobile vendors under contract to perform characterization and waste certification, would only be forth coming when the ultimate responsibility for all activities associated with the management and disposition of a DOE generated waste stream remains with DOE. It is only in this manner that the receiving State can be assured of regress, should that action become necessary.

||| Steve Zappe <Steve.Zappe@nmenv.state.nm.us> 05/30/01 12:57PM >>>  
Hi all -

NMED is having a little disagreement with DOE-Carlsbad regarding interpretation of their permit and how they intend to expand waste characterization activities. I'm going to provide you with some background information, identify what I believe are the issues, and then ask you to consider a couple of questions.

Background:

1. You might recall that DOE-Carlsbad submitted a permit modification request to NMED back in July '00 seeking to establish a "centralized characterization facility" to assist small quantity sites (and others). The idea was for sites to ship partially characterized waste to WIPP (i.e., use acceptable knowledge [AK] to meet transportation requirements) after which WIPP would do headspace gas sampling and analysis, radiography, and visual examination to meet the disposal characterization requirements. Part of this program included a national team from Westinghouse TRU Solutions (WTS), the WIPP contractor, who would assist the sites in assembling AK and, if necessary, dispatch mobile vendors capable of performing radiography, etc., to beef up the knowledge of the waste contents. After a veritable storm of public outcry and criticism, DOE withdrew the request in September '00.

2. Fast forward to May '01. We'd noticed several entries on the DOE-Carlsbad audit schedule for "WTS Central Characterization Project (CCP)" audits at Savannah River, Argonne-East, and Nevada Test Site in the June - August '01 time frame (see attached CBFO audit schedule). I asked what this was all about during the LANL Packaging audit on May 15, and received a glowing description of a program that will use mobile vendors to perform headspace gas, radiography, and visual examination at the small quantity sites (and others). WTS will collect AK information from the sites and perform project level data validation and verification for data collected by the mobile vendors.

Issue:

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NMED believes this "CCP" approach contains several key elements that were originally proposed in the withdrawn permit modification request, and that the CCP is a fall-back attempt to continue addressing the needs of small quantity sites. It appears to be a creative (and incorrect) interpretation of the permit, done primarily to avoid the permit modification process to deal with this fundamental shift of responsibility for characterization from the generator/storage sites to DOE-Carlsbad and WTS.

The WIPP permit stipulates that "generator/storage sites" are the entities responsible for characterizing their waste prior to disposal at WIPP. The WIPP audit program is organized by generator/storage sites, where DOE-Carlsbad and their technical assistance contractors review the sites' quality assurance project plans (QAPjPs) and standard operating procedures (SOPs) to determine compliance with the waste analysis plan (WAP) in the WIPP permit. NMED has always viewed the phrase "generator/storage site" as a term of art, indicating a facility with an EPA ID number and a RCRA permit, where DOE is the owner and some contractor serves as the operator. However, DOE-Carlsbad believes WTS can be considered a generator/storage site for purposes of complying with the WAP if they rely on "successful interface, communications, and memoranda of understanding (MOU) with the sites who own the waste to be characterized and certified." I've attached the relevant introduction and background from the CCP QAPjP for your information.

As I see it, there is no binding contract between the generator/storage site and WTS (or the mobile vendors) in this arrangement. Basically, DOE-Carlsbad is offering a one-stop solution for any site, providing characterization equipment and program infrastructure, with no clear accountability to the state regulators in the host state for that site. It's not even clear who signs the manifest when waste is shipped from the site to WIPP - currently, it appears as though WTS would not only certify the waste stream as acceptable to WIPP by preparing and signing the waste stream profile form, but also by signing the manifest as well.

NMED has no fundamental problem with the use of mobile vendors, per se. In fact, we believe that mobile vendors, under contract to generator/storage sites, may provide a cost effective method for working off waste without having to construct fixed facilities for the same purposes. If SRS wants to use mobile characterization, they should be able to contract for those services and then qualify the resultant data through their existing QA program at the site. It's the role of WTS that we find problematic...

Questions:

Would this type of program be acceptable to you as the regulator if it were implemented at the DOE facility in your state? Remember, it is not limited to "small quantity sites"... DOE-Carlsbad plans to implement it at SRS, and could conceivably "help" other facilities such as RFETS, INEEL, and Hanford. Do you want any regulatory oversight of waste characterization activities related to TRU waste (mixed or not) if the ultimate purpose is only to ship it out of your state?

Do you believe an MOU is sufficiently binding to provide accountability for waste characterization activities performed on behalf of your DOE facility? Who would you expect to be responsible for manifest discrepancies resulting from improperly characterized waste - someone at your facility, or an out-of-state entity?

If you have any further questions or comments regarding this issue, please send me an e-mail or give me a call at (505)428-2517. Thanks!

Steve

**CCP TRU Waste Characterization Quality Assurance Project Plan**  
**CCP-PO-001, Rev. 1 – May 10, 2001**

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**A INTRODUCTION**

The Central Characterization Project (CCP) is tasked with characterizing and certifying transuranic (TRU) waste for disposal at the Waste Isolation Pilot Plant (WIPP). Characterization consists of radiography; visual examination (VE); headspace gas sampling and analyses; and totals sampling and analyses; as applicable for the waste stream.

This Quality Assurance Project Plan (QAPjP) describes how the waste characterization and certification activities performed by the CCP comply with the *Waste Isolation Pilot Plant Hazardous Waste Facility Permit* (HWFP), Attachment B – B6, Waste Analysis Plan (WAP) (New Mexico Environment Department [NMED] 1999). This QAPjP also implements the applicable quality requirements of the Department of Energy-Carlsbad field Office (DOE-CBFO) *Quality Assurance Program Document* (QAPD) (DOE 1999a). The format of this QAPjP parallels that of the WAP.

**A-1 Background**

The WAP is organized such that it specifies that the generator/storage sites (hereinafter referred to as "sites") conduct their own TRU waste characterization and certification, including their own data generation level and project level data validation and verification. However, some sites (typically small quantity sites) do not have the resources necessary to characterize and certify their TRU waste. Additionally, other sites have expressed interest in using the CCP to augment their existing capabilities. The CCP was established to assist these sites as well as provide cost-effective TRU waste characterization, confirmation, and certification, including data generation level and project level data validation and verification.

For the purposes of compliance with the WAP, the CCP is considered to be a site with one exception – the CCP does not "own" the waste it is characterizing and certifying. CCP relies on successful interface, communications, and memoranda of understanding (MOU) with the sites who own the waste to be characterized and certified. The MOU and interface document will delineate the scope of CCP characterization and certification activities at the site, site-specific health and safety requirements, and site-specific requirements necessary for the CCP to operate at that site.