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Class 1 Permit Modification Notification - DRAFT

Clarify Language in Attachment C4, Section C4-3g, Pertaining to Acceptable Knowledge Compilation

**Waste Isolation Pilot Plant
Carlsbad, New Mexico**

WIPP HWFP Number - NM4890139088-TSDF

January 2012



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Table of Contents

Transmittal Letter	
Table of Contents	i
Acronyms and Abbreviations.....	ii
Overview of the Permit Modification Notification	1
Attachment A Description of the Class 1 Permit Modification Notification	A-1
Table 1. Class 1 Hazardous Waste Facility Permit Modification Notification	A-2
Item 1. Description.....	A-3
Item 1. Basis.....	A-3
Item 1. Discussion	A-3
Item 1. Revised Permit Text	A-4

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Acronyms and Abbreviations

AK	Acceptable Knowledge
CAR	Corrective Action Report
CFR	Code of Federal Regulations
DOE	U.S. Department of Energy
HWFP	Hazardous Waste Facility Permit
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
Permit	Hazardous Waste Facility Permit
Permittees	Carlsbad Field Office and Washington TRU Solutions LLC
PMN	Permit Modification Notification
TRU	Transuranic
WIPP	Waste Isolation Pilot Plant
WTS	Washington TRU Solutions LLC

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Overview of the Permit Modification Notification

This document contains a Class 1 Permit Modification Notification (**PMN**) to modify the Hazardous Waste Facility Permit (**Permit**) at the Waste Isolation Pilot Plant (**WIPP**), Permit Number NM4890139088-TSDF, hereinafter referred to as the Permit.

This PMN is being submitted by the U.S. Department of Energy (**DOE**) and Washington TRU Solutions LLC (**WTS**), collectively referred to as the Permittees, in accordance with Permit Part 1.3.1 (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (40 **CFR** §270.42(a)). The PMN in this document is necessary to notify the New Mexico Environment Department (**NMED**) of a clarification to the Permit Waste Analysis Plan. This change does not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modification to the Permit and any related supporting documents are provided in this PMN. The proposed modification to the text of the Permit has been identified using red text and double underline and a ~~strikeout~~ font for deleted text. All direct quotations are indicated by italicized text.

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Attachment A
Description of the Class 1 Permit Modification Notification

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Table 1. Class 1 Hazardous Waste Facility Permit Modification Notification

Affected Permit Section	Change Description	Category	Attachment A Page #
Attachment C4, Section C4-3g	Revise page C4-15 of 20, lines 25 and 26, to clarify language pertaining to acceptable knowledge (AK) compilation. Revise page C4-15, lines 27 and 28, to clarify that if deficiencies are identified during the audits of required AK information, the Permittees will not manage, store, or dispose of the affected waste stream(s) until all corrective actions have been implemented and all applicable requirements of the WAP have been met.	A.1	A-4

DRAFT

Item 1

Description

Revise Permit Attachment C4, Section C4-3g, as follows:

- Page C4-15 of 20, lines 25 and 26: Clarify language pertaining to acceptable knowledge (AK) compilation
- Page C4-15 of 20, lines 27 and 28: Clarify that if deficiencies are identified during the audits of required AK information, the Permittees will not manage, store, or dispose of the affected waste stream(s) until all corrective actions have been implemented and all applicable requirements of the WAP have been met.

Basis

The change is classified as an “administrative and informational change” and is, therefore, a Class 1 notification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.1).

Discussion

The required AK information that must be compiled is listed in Permit Sections C4-2b and C4-2c, as applicable. If during an audit, the auditor discovers that the minimum AK information required by Permit Section C4-2 has not been compiled, a corrective action report (CAR) may be issued. There are instances when an auditor may issue a CAR against generator/storage site AK standard operating procedures, which delineate the process for compilation of AK, for deficiencies not associated with the completeness of the AK information. These instances may be considered significant conditions adverse to quality by the DOE quality assurance program for reasons other than compliance with the requirements of the WAP and, therefore, do not constitute a failure to collect the minimum information required for waste characterization per Permit Section C4-2. In order to avoid such a broad interpretation of AK completeness, clarification is needed; that clarification is provided in the revisions to Permit Attachment C4, Section C4-3g.

The Permit currently states, in Attachment C4, Sections C4-3g, that the Permittees will *not manage, store, or dispose TRU mixed waste for the subject waste summary category* if, during the audits of generator/storage sites, CARs are identified associated with AK compilation. The Permit further states that Permittees will not resume such activities until the DOE determines that all corrective actions have been implemented. As described in Section C4-3c of the Permit, the AK documentation that comprises the auditable record is assembled by waste stream. If a deficiency in AK compilation is identified for a particular waste stream, the DOE corrective action process requires that the responsible organization evaluates the extent of the condition associated with the resulting CAR. Through this evaluation, the Permittees can clearly identify which waste streams are impacted by the audit finding(s); therefore, it is not necessary for the cessation of TRU mixed waste management, storage, or disposal to extend to the entire waste summary category group but rather to the specific waste streams which are affected by the

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observed deficiency. Revisions to Permit Attachment C4, Section C4-3g are necessary to provide these clarifications and to remove references to *waste summary category* and replace with *waste stream(s)*.

Revised Permit Text

C4-3g Audits of Acceptable Knowledge

After the audit is complete, DOE will provide the site with preliminary results at a close-out meeting. DOE will prepare a final audit report that includes all observations and findings identified during the audit. Sites shall respond to all audit findings and identify corrective actions. Audit results will be included in the final audit report (Permit Attachment C6). If acceptable knowledge procedures do not exist, the required information is not available, or corrective actions (i.e., CARs) ~~are identified associated with~~ identify a deficiency in the acceptable knowledge compilation process (i.e., the minimum required information in Section C4-2 has not been collected and organized to present the required information on the subject waste stream(s)), and/or hazardous waste characterization, the Permittees will not manage, store, or dispose TRU mixed waste for the subject waste summary category stream(s). Attachment C3 of the Permit, Section C3-13, requires the responsible organization(s) to review CARs and evaluate the extent of the condition. If, during the corrective action process, the extent of the condition is determined to be applicable to other waste stream(s), the Permittees will not manage, store, or dispose TRU mixed waste for those affected waste stream(s). Management, storage, or disposal of the subject the affected waste summary category stream(s) at WIPP will not resume until DOEs find that all corrective actions have been implemented and the site complies with all applicable requirements of the WAP.