



Allen, Pam, NMENV

From: Maestas, Ricardo, NMENV
Sent: Monday, April 23, 2012 7:45 AM
To: Allen, Pam, NMENV
Subject: FW: Draft Class 1 PMN - AK

WIPP File

From: Kliphuis, Trais, NMENV
Sent: Wednesday, April 07, 2012 1:49 PM
To: 'McCauslin, Susan - DOE'; 'Chavez, Rick - RES'
Cc: Hall, Timothy, NMENV; Maestas, Ricardo, NMENV; Holmes, Steve, NMENV; Conniewalk@aol.com; Kieling, John, NMENV
Subject: FW: Draft Class 1 PMN - AK

Here are the current thoughts... I will be out of the office 2:30- 3:30 today but available all other times and until 5:30 PM.

I note by the C3-13 language Rick pointed out that there is a step in the process that I was not aware of. That is, the CAR is first initiated, assessed and reviewed and then issued to the responsible party once the significance is classified. This indicates there is a time when the CAR is identified but not issued. Perhaps this distinction needs to be made in the C4-3g language. As written, it uses "identified" which doesn't match any of the verbiage in C3-13.

C3-13: "DOE has designated the CAR Initiator and Assessment Team Leader to review the CAR, determine validity of the finding (determine that a requirement has been violated), classify the significance of the condition, assign a response due date, and issue the CAR to the responsible party."

The C4-3g language could read:

"If acceptable knowledge procedures do not exist, the required information is not available, or corrective actions (i.e., CARs are issued associated with acceptable knowledge compilation and/or hazardous waste...

This is truly a simple clarification and would provide time for the significance determination first. I understand this would not change the permit as hoped (i.e. allowing for continued shipments if a CAR is not significant) but there is still concern here that a change like that would be a relaxation of the permit and not a Class 1 PMR.

As I read C3-13, it doesn't describe or define "significant". So the proposed language "to be significant as described in Section C3-13" doesn't clarify. C3-13 explains the CAR issuance procedure and states that the CAR Team Leader classifies the significance of the condition but it doesn't say what criteria are used. I assume this is something the Permittee wants to retain as it provides the discretion that is desired. We are still wondering why the internal procedures can't be updated to clarify when and which conditions adverse to quality warrant a CAR and not issue CARs for conditions that are not violations of the permit or perhaps designate HWB permit CARs separately. [Rick just clarified that this is an EPA requirement – but again, perhaps the CAR's for the EPA requirement can then be reviewed for applicability as HWB CAR's - that would apply to the WIPP permit...?]

I am also questioning/wondering what the intent of the permit as written is and whether it was the intent of the Bureau to stop shipment for any kind of CAR. If there is some documentation (testimony?), that would help a lot. If it was never the intent to stop shipments for "insignificant" CARS, I believe the change might be able to be made as a Class 1 as it would be a clarification of the intent. But without this documentation and as stated before, relaxing the requirement to allow some CARS to be issued without stopping shipment really is a change and not a clarification



And finally, and quite unfortunately, even though NMED proposed changing "characterization" to "number assignment" a new internal review is indicating that with this proposed language, it would narrow the scope too far and inadvertently allow for shipment of waste that shouldn't be shipped.

As always, please feel free to call anytime to discuss this further.

Thanks,

Trais Kliphuis
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New Mexico Environment Department
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-----Original Message-----

From: Kliphuis, Trais, NMENV
Sent: Wednesday, March 07, 2012 7:50 AM
To: Holmes, Steve, NMENV; Hall, Timothy, NMENV; Maestas, Ricardo, NMENV
Subject: FW: Draft Class 1 PMN - AK

-----Original Message-----

From: McCauslin, Susan - DOE [mailto:susan.mccauslin@wipp.ws]
Sent: Tuesday, March 06, 2012 3:09 PM
To: Kliphuis, Trais, NMENV
Cc: Chavez, Rick - RES
Subject: Draft Class 1 PMN - AK

Hi Trais,

Attached is a revised draft of the Class 1 PMN clarifying language in the permit regarding AK-related CARS. Rick and I will call you to discuss, thanks.

Susan McCauslin
Office (575) 234-7349, Cell (575) 706-5369