

# Class 2 PMR Remove Excluded Waste Prohibition

March 2013



# Scope

- This PMR proposes to remove the excluded waste prohibition, and associated text pertaining to transuranic (**TRU**) mixed waste that has ever been managed as high-level waste and waste from specified tanks listed in the Permit.
- The PMR does **NOT** propose to allow DOE to accept and dispose of high-level waste at the WIPP facility.
  - High level waste is prohibited by the WIPP Land Withdrawal Act

# Scope (cont.)

- This PMR changes only 5 pages of the Permit
  - Delete Part 2, Section 2.3.3.8. *Excluded Waste* and Table 2.3.3.8., *Additional Approved Waste Streams*
  - Revise Attachment C, *Waste Analysis Plan*, Section C-1c, *Waste Prohibited at the WIPP Facility* and delete Table C-~~8~~<sub>4</sub>, *Waste Tanks Subject to Exclusion*
  - Revise Attachment C6, *Audit and Surveillance Program*, Table C6-1, *Waste Analysis Plan (WAP) Checklist*

# Regulatory Basis

- RCRA (NM Hazardous Waste Act)
  - Driver for WIPP Permit
  - Regulates hazardous chemical components of waste
  - Does not regulate radioactive components of mixed waste
  - Does not regulate nuclear waste classification
  - Does not regulate based on nuclear waste classification
  - Assigns authority for classification of waste based on hazardous components to the EPA (and NMED)

# Regulatory Basis (continued)

- WIPP Land Withdrawal Act
  - Authorizes, and stipulates limitations for, the disposal of contact-handled (CH) and remote-handled (RH) transuranic waste at the WIPP facility
  - Bans transport and disposal of high-level waste and spent nuclear fuel at the WIPP facility

# Regulatory Basis (continued)

- Atomic Energy Act and Nuclear Waste Policy Act
  - Regulations based on the radioactive components of waste
  - Provides definitions for types of radioactive waste (high-level waste and transuranic waste)
  - Assigns the authority and responsibility for atomic energy defense activities including defense nuclear waste management to the DOE

# Chemical Compatibility

- Waste is required to be assessed for chemical compatibility before transport to the WIPP facility
- There is a standard RCRA hazardous waste compatibility evaluation methodology
  - Initial evaluation performed in 1995
  - Updated evaluation attached to the PMR

*done by a contractor -*

# Benefits of the PMR

- Focus the Permit on RCRA hazardous waste regulations only
- Limits NMED's responsibility regarding TRU waste determinations to be consistent with their responsibility for all other WIPP-bound waste streams
- Makes classification of high-level and TRU defense nuclear waste subject to one authority, without exception
- Eliminates special provisions that add unnecessary delay and resources associated with approval of a Class 3 PMR based on TRU defense nuclear waste classification

— does current process really make this happen?  
(cl 3)

# Classification of Proposed Modification

- Class 2 – Class 2 PMR: 40 CFR 270.42, Appendix I Item B) “*General Facility Standards...1. Changes to waste sampling or analysis methods:...d. Other changes*”
- Precedents for this classification
  - PMR to Revise the Polychlorinated Chlorinated Biphenyl (PCB) Prohibition (May 21, 2003)
  - Tank Waste Exclusion added as a Class 2 PMR (July 2, 2004)
- Correct designation per 40 CFR 270.42, Appendix I