

Determination of Class Modification

Procedures for Maintaining Records

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

WIPP HWFP #NM4890139088-TSDF

July 2007

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Overview of the Permit Modification Notification

This document contains a modification to the Hazardous Waste Facility Permit (**HWFP**) at the Waste Isolation Pilot Plant (**WIPP**), Permit Number NM4890139088-TSDF hereinafter referred to as the WIPP HWFP.

This modification is not explicitly listed in 20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (40 **CFR**) §270.42, Appendix I. In accordance with 20.4.1.900 NMAC (incorporating 40 CFR §270.42(d)) the U.S. Department of Energy (**DOE**), Carlsbad Field Office (**CBFO**) and Washington TRU Solutions LLC (**WTS**), collectively referred to as the Permittees, are requesting a determination of class by the New Mexico Environment Department (**NMED**).

This modification requests an option to store and maintain certain generator site records related to the WIPP at the WIPP Records Archive facility. The classification of modifications listed in 20.4.1.900 NMAC (incorporating 40 CFR §270.42, Appendix I), shows item B.3 as "*Changes in procedures for maintaining the operating record*" as a Class 1 modification. The WIPP HWFP requires the storage and maintenance of additional records other than those which are part of the operating record (e.g., generator site waste characterization records). The Permittees believe that this change qualifies as a Class 1 modification in that it is equivalent to Item B.3.

The Permittees request that the NMED Secretary concur with this interpretation and act upon this request as a Class 1 modification.

These changes do not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modifications to the WIPP HWFP and related supporting documents are provided in this PMN. The proposed modifications to the text of the WIPP HWFP has been identified using a double underline and revision bar in the right hand margin for added information, and a ~~strikeout~~ font for deleted information. All direct quotations are indicated by italicized text.

Attachment A

Description of the Permit Modification

Table 1. Class 1 Hazardous Waste Facility Permit Modification Notification

No.	Affected Permit Section	Item	Category	Attachment A Page #
1	a. Attachment B and B6	Allow generator site records to be stored and maintained at the WIPP Records Archive facility		A-3

Item 1

Description:

This modification will add the option for certain records to be stored and maintained at the WIPP Records Archive facility.

Basis:

The Permittees are requesting a determination of class from the NMED as this change is not explicitly listed in 20.4.1.900 NMAC (incorporating 40 CFR §270.42, Appendix I). The classification of modifications listed in 20.4.1.900 NMAC (incorporating 40 CFR §270.42, Appendix I), shows item B.3 as "*Changes in procedures for maintaining the operating record*" as a Class 1 modification. The WIPP HWFP requires the storage and maintenance of additional records other than those which are part of the operating record. The Permittees believe that this change qualifies as a Class 1 modification in that it is equivalent to Item B.3 in the regulations..

Discussion:

The HWFP requires that records be stored and maintained either at the generator/storage site, the analytical facility, the WIPP facility or at a federal records center. Generator sites need a central location to store the voluminous amounts of records generated under the HWFP.

The 2003 and 2004 Energy and Water Appropriation Bills, (Calendar No. 514 Report 107-220, and Calendar No. 213 Report 108-105, respectively) provided direction to the U.S. Department of Energy (DOE) to provide facilities to consolidate, at Carlsbad, New Mexico, all record archives relevant to the operations of WIPP and the transuranic waste in the repository.

In order to comply with this congressional mandate the DOE has established the WIPP Records Archive facility. This facility is staffed by trained records personnel and records will be maintained in hard copy and/or electronic media. The Permittees are requesting, through this modification, the ability to store and maintain WIPP related records at the WIPP Records Archive facility.

The Permittees have also added clarification and consistency related to the designation of records as lifetime and non-permanent. Specifically, this description applies regardless of whether the records reside at the generator site or at the records archive.

Revised Permit Text:

B-4a(7) Records Management

Records related to waste characterization activities performed by the generator/storage sites will be maintained in the testing, sampling, or analytical facility files or generator/storage site project files or, at the WIPP Records Archive facility. Permittee approved laboratories will forward testing, sampling, and analytical records along with BDRs, to the generator/storage site project office for inclusion in the generator/storage site's project files and to the Permittees for inclusion in the WIPP facility operating record. Raw data obtained by testing, sampling, and analyzing TRU mixed waste in support of this WAP will be identifiable, legible, and provide documentary evidence of quality. TRU mixed waste characterization records submitted to the Permittees shall be maintained in the WIPP facility operating record and be available for inspection by NMED.

Records inventory and disposition schedule (**RIDS**) or an equivalent system shall be prepared and approved by generator/storage site personnel. All records relevant to an enforcement action under this Permit, regardless of disposition, shall be maintained at the generator/storage site until NMED determines they are no longer needed for enforcement action, dispositioned as specified in the approved RIDS. All waste characterization data and related QA/QC records ~~in the generator/storage site project files~~ for TRU mixed waste to be shipped to the WIPP facility are designated as either Lifetime Records or Non-Permanent Records.

Records that are designated as Lifetime Records shall be maintained for the life of the waste characterization program at a participating generator/storage site plus six years, then ~~offered to the Permittees~~ or transferred for permanent archival storage to the WIPP Records Archive facility of information of these records in the appropriate form, ~~or transferred to the appropriate Federal Records Center (FRG).~~

Waste characterization records designated as Non-Permanent Records shall be maintained for ten years from the date of (record) generation at the participating generator/storage site, or at the WIPP Records Archive facility and then dispositioned according to their approved RIDS. If a generator/storage site ceases to operate, all records shall be transferred before closeout to the Permittees for management at the WIPP Records Archive facility. Table B-6 is a listing of records designated as Lifetime Records and Non-Permanent Records.

B-7 Records Management and Reporting

As part of the WIPP facility's operating record, data and documents associated with waste characterization and waste confirmation are managed in accordance with standard records management practices.

All waste characterization data for each TRU mixed waste container transmitted to WIPP shall be maintained by the Permittees for the active life of the WIPP facility plus two years. The active life of the WIPP facility is defined as the period from the initial receipt of TRU mixed waste at the facility until NMED receives certification of final **closure of the facility. After their active life, the records shall be retired to the WIPP Records Archive facility** ~~FRC~~ and maintained for 30 years. These records will then be offered to the National Archives. However, this disposition requirement does not preclude the inclusion of these records in the permanent marker system or other requirements for institutional control.

Table B6-1, Item 68

Are procedures in place to ensure that the generator/storage site maintains records that are designated as Lifetime Records for the life of the waste characterization program plus six years **or that the records have been transferred to the WIPP Records Archive facility?** ~~, and then offer those records to the Permittees or transferred to the appropriate Federal Records Center (FRC)?~~ Lifetime Records include:

- Field sampling data forms,
- Field and laboratory COC forms,
- Test facility and laboratory Batch Data Reports,
- Waste Stream Characterization Package,
- Sampling plans,
- Data reduction, validation, and reporting documentation,
- Acceptable knowledge documentation,
- WSPF and Characterization Information Summary

(Section B-4a(7), Table B-6)

Table B6-1, Item 69

Are procedures in place to ensure that the generator/storage site maintains records that are designated as Non-Permanent Records for ten years from the date of record **generation, and then dispositioned according per the approved RIDS or transferred to**

the WIPP Records Archive facility?

Non-Permanent Records include:

- Nonconformance documentation,
- Variance documentation,
- Assessment documentation,
- Gas canister tags,
- Methods performance documentation,
- PDP documentation,
- Sampling equipment certifications,
- Calculations and related software documentation,
- Training/qualification documentation,
- QAPjP documentation (all revisions),
- Calibration documentation,
- Analytical raw data,
- Procurement documentation,
- QA procedures (all revisions),
- Technical implementing procedures (all revisions), and
- Audio/video recording (radiography, visual, etc.).

(Section B-4a(7), Table B-6)