

**2009 Compliance Recertification Application (2009 CRA or CRA09)
Compliance Application Review Document (CARD No. 8)
Approval Process for Waste Shipment from Waste Generator Sites
for Disposal at WIPP**

8.0 BACKGROUND

The requirements of Section 194.8 apply to the process used by the Agency to approve the disposal of waste from waste generator sites at WIPP for disposal.

This requirement was established at the time of EPA's 1998 Certification Decision to address compliance of site-specific Quality Assurance (QA) programs and requirements for use of process knowledge and a system of controls at waste characterization (WC) sites. In July 2004, EPA made changes to the approval process for waste characterization programs at the TRU sites at 40 CFR 194.8. The changes were designed to maintain or improve oversight at WIPP without modifying the technical approach that EPA employs when conducting independent inspections of the waste characterization capabilities at DOE waste generator/storage sites. EPA's WC requirements and continued compliance information are provided in CARD 24. EPA's QA requirements and further QA information are provided in CARD 22.

8.1 REQUIREMENTS

(a) "The Agency will determine compliance with requirements for site-specific quality assurance programs as set forth below:

(1) Upon submission by the Department of a site-specific quality assurance program plan the Agency will evaluate the plan to determine whether it establishes the applicable Nuclear Quality Assurance (NQA) requirements of §194.22(a)(1) for the items and activities of §§194.22(a)(2)(i), 194.24(c)(3) and 194.24(c)(5). The program plan and other documentation submitted by the Department will be placed in the dockets described in §194.67.

(2) The Agency will conduct a quality assurance audit or an inspection of a Department quality assurance audit at the relevant site for the purpose of verifying proper execution of the site-specific quality assurance program plan. The Agency will publish a notice in the **Federal Register** announcing a scheduled inspection or audit. In that or another notice, the Agency will also solicit public comment on the quality assurance program plan and appropriate Department documentation described in paragraph (a)(1) of this section. A public comment period of at least 30 days will be allowed.

(3) The Agency's written decision regarding compliance with the requisite quality assurance requirements at a waste generator site will be conveyed in a letter from the Administrator's authorized representative to the Department. No such compliance determination shall be granted until after the end of the public comment period described in paragraph (a)(2) of this section. A copy of the

Agency's compliance determination letter will be placed in the public dockets in accordance with §194.67. The results of any inspections or audits conducted by the Agency to evaluate the quality assurance programs described in paragraph (a)(1) of this section will also be placed in the dockets described in §194.67.

(4) Subsequent to any positive determination of compliance as described in paragraph (a)(3) of this section, the Agency intends to conduct inspections, in accordance with §§194.21 and 194.22(e), to confirm the continued compliance of the programs approved under paragraphs (a)(2) and (a)(3) of this section. The results of such inspections will be made available to the public through the Agency's public dockets, as described in §194.67.”

(b) “The Agency will establish compliance with Condition 3 of the certification using the following process:

(1) DOE will implement waste characterization programs and processes in accordance with § 194.24(c)(4) to confirm that the total amount of each waste component that will be emplaced in the disposal system will not exceed the upper limiting value or fall below the lower limiting value described in the introductory text of § 194.24(c). Waste characterization processes will include the collection and use of acceptable knowledge; destructive and/or nondestructive techniques for identifying and measuring waste components; and the validation, control, and transmittal to the WIPP Waste Information System database of waste characterization data, in accordance with § 194.24(c)(4).

(2) The Agency will verify the compliance of waste characterization programs and processes identified in paragraph (b)(1) of this section at sites without EPA approval prior to October 14, 2004, using the following process:

(i) DOE will notify EPA by letter that a transuranic waste site is prepared to ship waste to the WIPP and has established adequate waste characterization processes and programs. DOE also will provide the relevant waste characterization program plans and documentation. EPA may request additional information from DOE.

(ii) EPA will conduct a baseline compliance inspection at the site to verify that adequate waste characterization program plans and technical procedures have been established, and that those plans and procedures are effectively implemented. The inspection will include a demonstration or test by the site of the waste characterization processes identified in paragraph (b)(1) of this section. If an inspection does not lead to approval, we will send an inspection report to DOE identifying deficiencies and place the report in the public docket described in § 194.67. More than one inspection may be necessary to resolve compliance issues.

(iii) The Agency will announce in the **Federal Register** a proposed Baseline Compliance Decision to accept the site's compliance with §

194.24(c)(4). We will place the inspection report(s) and any supporting documentation in the public docket described in § 194.67. The site inspection report supporting the proposal will describe any limitations on approved waste streams or waste characterization processes. It will also identify (through tier designations in accordance with paragraph (b)(4) of this section) what changes to the approved waste characterization processes must be reported to and approved by EPA before they can be implemented. In the notice, we will solicit public comment (for a minimum of 45 days) on the proposed Baseline Compliance Decision, including any limitations and the tier designations for future changes or expansions to the site's waste characterization program.

(iv) Our written decision regarding compliance with the requirements for waste characterization programs and processes described in paragraph (b)(1) of this section will be conveyed in a letter from the Administrator's authorized representative to DOE. EPA will not issue a compliance decision until after the end of the public comment period described in paragraph (b)(2)(iii) of this section. EPA's compliance decision will respond to significant and timely-received comments. A copy of our compliance decision will be placed in the public docket described in § 194.67. DOE will comply with any requirements identified in the compliance decision and the accompanying inspection report.

(3) Subsequent to any positive determination of compliance as described in paragraph (b)(2)(iv) of this section, the Agency intends to conduct inspections, in accordance with § 194.24(h), to confirm the continued compliance of approved waste characterization programs and processes at transuranic waste sites. EPA will make the results of these inspections available to the public in the dockets described in § 194.67.

(4) Subsequent to any positive determination of compliance as described in paragraph (b)(2)(iv) of this section, the Department must report changes or expansions to the approved waste characterization program at a site in accordance with the tier designations established in the Baseline Compliance Decision.

(i) For changes or expansions to the waste characterization program designated as "Tier 1," the Department shall provide written notification to the Agency. The Department shall not ship for disposal at WIPP any waste that has been characterized using the new or revised processes, equipment, or waste streams until EPA has provided written approval of such new or revised systems.

(ii) For changes or expansions to the waste characterization program designated as "Tier 2," the Department shall provide written notification to the Agency. Waste characterized using the new or revised processes, equipment, or waste streams may be disposed at WIPP without written EPA approval.

(iii) EPA may conduct inspections in accordance with § 194.24(h) to evaluate the implementation of Tier 1 and Tier 2 changes or expansions to the waste characterization program at a site.

(iv) Waste characterization program changes or expansions that are not identified as either "Tier 1" or "Tier 2" will not require written notification by the Department to the Agency before implementation or before shipping waste for disposal at WIPP.

(5) Subsequent to any positive determination of compliance as described in paragraph (b)(2)(iii) of this section, EPA may revise the tier designations for approving changes or expansions to the waste characterization program at a site using the following process:

(i) The Agency shall announce the proposed tier changes in a letter to the Department. The letter will describe the Agency's reasons for the proposed change in tier designation(s). The letter and any supporting inspection report(s) or other documentation will be placed in the dockets described in § 194.67.

(ii) If the revised designation entails more stringent notification and approval requirements (e.g., from Tier 2 to Tier 1, or from undesignated to Tier 2), the change shall become effective immediately and the site shall operate under the more stringent requirements without delay.

(iii) If the revised designated entails less stringent notification and approval requirements, (e.g., from Tier 1 to Tier 2, or from Tier 2 to undesignated), EPA will solicit comments from the public for a minimum of 30 days. The site will continue to operate under the more stringent approval requirements until the public comment period is closed and EPA notifies DOE in writing of the Agency's final decision.

(6) A waste generator site that EPA approved for characterizing and disposing transuranic waste at the WIPP under this section prior to October 14, 2004, may continue characterizing and disposing such waste at the WIPP under paragraph (c) of this section until EPA has conducted a baseline compliance inspection and provided a Baseline Compliance Decision under paragraph (b)(2) of this section.

(i) Until EPA provides a Baseline Compliance Decision for such a site, EPA may approve additional transuranic waste streams for disposal at WIPP under the provisions of paragraph (c) of this section. Prior to the effective date of EPA's Baseline Compliance Decision for such a site, EPA will continue to conduct inspections of the site in accordance with § 194.24(c).

(ii) EPA shall conduct a baseline compliance inspection and issue a Baseline Compliance Decision for such previously approved sites in accordance with the provisions of paragraph (b) of this section, except that the site shall not be required to provide written notification of readiness as described in paragraph (b)(2)(i) of this section.”

(c) “For a waste generator site that EPA approved for characterizing and disposing transuranic waste at the WIPP under this section prior to October 14, 2004, the Agency will determine compliance with the requirements for use of process knowledge and a system of controls at waste generator sites as set forth below. Approvals for a site to characterize and dispose of transuranic waste at WIPP will proceed according to this section only until EPA has conducted a baseline compliance inspection and provided a Baseline Compliance Decision for a site under paragraph (b)(2) of this section.

(1) For each waste stream or group of waste streams at a site, the Department must:

(i) Provide information on how process knowledge will be used for waste characterization of the waste stream(s) proposed for disposal at the WIPP; and

(ii) Implement a system of controls at the site, in accordance with §194.24(c)(4), to confirm that the total amount of each waste component that will be emplaced in the disposal system will not exceed the upper limiting value or fall below the lower limiting value described in the introductory text of §194.24(c). The implementation of such a system of controls shall include a demonstration that the site has procedures in place for adding data to the WIPP Waste Information System (“WWIS”), and that such information can be transmitted from that site to the WWIS database; and a demonstration that measurement techniques and control methods can be implemented in accordance with §194.24(c)(4) for the waste stream(s) proposed for disposal at the WIPP.

(2) The Agency will conduct an audit or an inspection of a Department audit for the purpose of evaluating the use of process knowledge and the implementation of a system of controls for each waste stream or group of waste streams at a waste generator site. The Agency will announce a scheduled inspection or audit by the Agency with a notice in the **Federal Register**. In that or another notice, the Agency will also solicit public comment on the relevant waste characterization program plans and Department documentation, which will be placed in the dockets described in §194.67. A public comment period of at least 30 days will be allowed.

(3) The Agency’s written decision regarding compliance with the requirements for waste characterization programs described in paragraph (b)(1) of this section for one or more waste streams from a waste generator site will be conveyed in a letter from the Administrator’s authorized representative to the Department. No

such compliance determination shall be granted until after the end of the public comment period described in paragraph (b)(2) of this section. A copy of the Agency's compliance determination letter will be placed in the public dockets in accordance with §194.67. The results of any inspections or audits conducted by the Agency to evaluate the plans described in paragraph (b)(1) of this section will also be placed in the dockets described in §194.67.

(4) Subsequent to any positive determination of compliance as described in paragraph (b)(3) of this section, the Agency intends to conduct inspections, in accordance with §§194.21 and 194.24(h), to confirm the continued compliance of the programs approved under paragraphs (b)(2) and (b)(3) of this section. The results of such inspections will be made available to the public through the Agency's public dockets, as described in §194.67."

8.2 1998 CERTIFICATION DECISION

At the time of the 1998 Certification Decision EPA's WIPP Compliance Criteria were appended to include the requirements of Section 194.8, Approval Process for Waste Shipment from Waste Generator Sites for Disposal at the WIPP.

Conditions 2 and 3 of the 1998 Certification Decision relate to activities conducted at waste generator sites that produce the transuranic waste proposed for disposal in the WIPP. The WIPP compliance criteria (§§194.22 and 194.24) require DOE to have, in place, a system of controls to measure and track important waste components, and to apply QA programs to inspect the reliability/quality of those controls. At the time of EPA's proposed certification decision, the Los Alamos National Laboratory (LANL) was the only site to demonstrate the proper execution of the required QA programs and the implementation of the required waste characterization system of controls. Therefore, EPA's 1998 Certification Decision allowed only LANL to ship the retrievably-stored (legacy) debris waste for disposal at the WIPP. This decision was based on EPA's inspection of the applicable system of controls for characterizing the waste contents and tracking waste components of this waste type.

As described in the 1998 Certification Decision, before other waste may be shipped for disposal at the WIPP, EPA must separately approve the QA programs at other generator sites (Condition 2) and the waste characterization system of controls for other waste streams (Condition 3). The approval process includes an opportunity for public comment, and an inspection (of a DOE audit) or audit of the waste generator site by EPA. The Agency's approval of WC systems of controls and QA programs were to be conveyed in a letter from EPA to DOE.

As part of the 1998 Certification Decision, EPA's approval processes for waste generator site programs have been incorporated into the body of the WIPP compliance criteria, in a new section at §194.8.

8.3 CHANGES IN THE 2004 COMPLIANCE RECERTIFICATION APPLICATION (2004 CRA OR CRA04)

DOE added a discussion of the requirements for Section 194.8 to the 2004 CRA.

The 2004 CRA notes that “[b]ased on the [EPA] acceptance of the site-specific waste characterization and QA program, the CBFO Manager is responsible for granting and revoking the program certification that allows the TRU waste site to characterize and to ship waste to WIPP” (See 2004 CRA Chapter 4, page 4-41), but also adds that “[c]onsistent with the provisions of section 194.8, the EPA also has a role in the approval process. The EPA determines compliance with requirements for site-specific QA programs.” (See 2004 CRA Chapter 4, Page 4-42). In addition to determination of QA compliance, EPA also approves the waste characterization programs at generator sites to ensure that the system of controls required to track important components is technically adequate.

The 2004 CRA notes that according to the WWIS, the following five (5) sites had approved QA and WC programs under the Section 194.8 requirements, as of September 30, 2002: Hanford-RL, Idaho National Engineering and Environmental Laboratory (INEEL), Los Alamos National Laboratory (LANL), Rocky Flats Environmental Technology Site (RFETS), and the Savannah River Site (SRS). Additionally, the DOE’s Central Characterization Project (CCP) had been approved to ship waste from SRS, Argonne National Laboratory-East (ANL-E), and the Nevada Test Site (NTS). (See 2004 CRA Chapter 4, Table 4-3).

8.3.1 EVALUATION OF COMPLIANCE FOR 2004 RECERTIFICATION

EPA regulations governing the disposal of TRU waste at the WIPP require EPA to inspect and approve waste characterization activities at DOE waste generator sites. Before waste is sent to WIPP for disposal, EPA conducts inspections at the generator sites to verify that the waste characterization program can measure and track how much waste goes to WIPP and what that waste contains.

In July 2004, EPA finalized changes to the requirements of Section 194.8 (b). These changes were made to add flexibility and focus to our oversight of the waste characterization approval process. The changes allow EPA to issue a single approval for each waste generator site, followed by ongoing EPA inspections and reporting of important changes by DOE. The current requirements of Section 194.8(b) provide for public comment on EPA’s proposed approval decisions instead of focusing on plans and procedures prepared by DOE. These changes do not affect EPA’s technical approach used during an independent inspection and they do not lessen the requirements that DOE must meet in order to dispose of waste at WIPP.

EPA is continually evaluating compliance with the requirements of Section 194.8 through QA audits and WC inspections, observations and technical reviews. Table CARD 8-1: EPA Waste Characterization Inspections - May 1998 - September 2005 in CARD 8 accompanying EPA’s 2004 Recertification Decision identifies Section 194.8(b) inspections through September 2005. These waste characterization inspection reports and approval letters are available from the EPA Air Docket A-98-49, II-A4-1 to 28. Similarly, Table CARD 8-1: EPA Quality Assurance Audits by Site-May 1998 - September 2005 lists all EPA, Section 194.8(a) QA audits through September 2005.

The 2004 CRA did not identify inspections that EPA conducted at three CH generator sites (e.g., INEEL, Summer 2001, LANL, Fall 2003, and Hanford, Summer 2004) to investigate

why uncertified waste containers were shipped to and disposed of at the WIPP. In all cases, DOE suspended shipment of the waste under investigation until EPA completed its inspection and approval. The issues associated with errors were ultimately resolved and corrective actions were taken to avoid future occurrences.

EPA did not receive any public comments on DOE’s continued compliance with the approval process for waste shipment from WIPP waste generator sites for Disposal at the WIPP requirements of Section 194.8.

8.3.2 2004 RECERTIFICATION DECISION

Based on a review and evaluation of the 2004 CRA, supplemental information provided by DOE (FDMS Docket ID No. EPA-HQ-OAR-2004-0025, Air Docket A-98-49) and EPA inspections and audits, EPA determined that DOE continued to comply with the requirements for Section 194.8

8.4 CHANGES IN THE 2009 COMPLIANCE RECERTIFICATION APPLICATION (2009 CRA OR CRA09)

Since 2004 CRA, on July 16, 2004, EPA revised 40 CFR 194.8 “Approval process for shipment from waste generator sites for disposal at the WIPP” requirements. This change required that the EPA conduct baseline inspections at all previously approved and new CH and RH waste generator sites. In addition the revised rule required that EPA evaluates and approves tier 1 (T1) changes to the waste generator sites with an approved baseline waste characterization program. Table CARD 8-1 below lists EPA’s waste characterization inspections and approvals that DOE compiled and submitted to EPA in February 2010. (Source: February 4, 2010 email Titled “Submittal of the Updated CARD 8 Tables for the 2009 EPA Completeness Review”, from Michelle Alexander to Jonathan Edwards; Regulations.gov EDOCKET ID# EPA-HQ-OAR-2009-0330-0031)

Table CARD 8-1
EPA Waste Characterization Inspections – October 2005 – September 2009

Date of Inspection	EPA Inspection No./Tier 1 Evaluation *	Site	Approval Date
Advanced Mixed Waste Treatment Plant (AMWTP)/Accelerated Retrieval Project (ARP)			
March 28-30 and April 11-13, 2006	EPA-AMWTP-03.06-08	AMWTP/ARP	October 3, 2006 Air Docket No. A-98-49, II-A4-66 and EPA-HQ-OAR-2006-0597
October 16, 2007	Unavailable		November 26, 2007 Air Docket No. A-98-49, II-A4-94
Argonne National Laboratory-Illinois (ANL)			

September 12-14, 2006	EPA-ANL-CCP-RH-09.06-08	ANL	January 16, 2007 Air Docket Nos. A-98-49, II-A4-70, 73 and EPA-HQ-OAR-2006-0881
May 28, 2008	Tier 1 Evaluation post baseline inspection		July 9, 2008 Air Docket Nos. A-98-49, II-A4-73, 102
General Electric Vallecitos Nuclear Center (GEVNC)			
December 2-4, 2008	EPA-GEVNC-CCP-RH-12.08-8	GEVNC	August 26, 2009 Air Docket No. A-98-49, II-A4-113 and EPA-HQ-OAR-2009-0372
Hanford			
June 4-7, 2007 and June 27, 2007	EPA-HAN-06.07-08	Hanford	July 17, 2008 Air Docket Nos. A-98-49, II-A4-101, 106 and EPA-HQ-OAR-2008-0027
June 9-11, 2009	Tier 1 Evaluation post baseline inspection		September 17, 2009 Air Docket No. A-98-49, II-A4-105
Idaho National Laboratory (INL)			
May 3-5, 2005	EPA-INL-CCP-05.05-08	INL	November 1, 2005 Air Docket No. A-98-49, II-A4-56 and EPA-HQ-OAR-2005-0162
			November 16, 2005 Air Docket No. A-98-49, II-A4-60
June 12-16 and August 9 and 29, 2006	EPA-INL-RH-CCP-06.06-08		January 12, 2007 Air Docket No. A-98-49, II-A4-69 and EPA-HQ-OAR-2006-0881
			January 17, 2007 Air Docket Nos. A-98-49, II-A4-72, 79
January 23-24, 2007	Tier 1 Evaluation post baseline inspection		February 12, 2007 Air Docket Nos. A-98-49, II-A4-74, 75

Date of Inspection	EPA Inspection No./Tier 1 Evaluation *	Site	Approval Date
			February 28, 2007 Air Docket No. A-98-49, II-A4-86
January 8, 2008	Tier 1 Evaluation post baseline inspection		January 25, 2008 Air Docket No. A-98-49, II-A4-97
March 5, 2008	Tier 1 Evaluation post baseline inspection		April 11, 2008 Air Docket No. A-98-49, II-A4-98
July 16, 2008	Tier 1 Evaluation post baseline inspection		October 7, 2008 Air Docket No. A-98-49, II-A4-107
September 16-18, 2008	EPA-INL-CCP-09.08-24		March 25, 2009 Air Docket No. A-98-49, II-A4-112
December 9-11, 2008 and February 2, 2009	Tier 1 Evaluation post baseline inspection		March 4, 2009 Air Docket No. A-98-49, II-A4-110
August 11, 2009	Tier 1 Evaluation post baseline inspection		September 22, 2009 Air Docket No. A-98-49, II-A4-118
Los Alamos National Laboratory (LANL)			
May 23-25, 2006 and August 22, 2006 and March 6, 2007	EPA-LANL-CCP-05.06-08	LANL	June 21, 2007 Air Docket No. A-98-49, II-A4-87 and EPA-HQ-OAR-2007-0326
September 12, 2007	Tier 1 Evaluation post baseline inspection		October 22, 2007 Air Docket No. A-98-49, II-A4-91
May 8-10, 2007	EPA-LANL-RH-CCP-05.07-08		February 19, 2007 Air Docket No. A-98-49, II-A4-89 and EPA-HQ-OAR-2007-0643
Oak Ridge National Laboratory (ORNL)			
November 13-15, 2007	EPA-ORNL-CCP-CH-11.07-8	ORNL	August 21, 2008 Air Docket Nos. A-98-49, II-A4-100, 103 and EPA-HQ-OAR-2008-0449
June 30-July 2, 2008	EPA-ORNL-CCP-RH-06.08-8		February 3, 2009 Air Docket No. A-98-49, II-A4-105 and EPA-HQ-OAR-2008-0820
August 14, 2008	Tier 1 Evaluation post baseline inspection		October 8, 2008 Air Docket No. A-98-49, II-A4-90
November 17, 2008	Tier 1 Evaluation post baseline inspection		January 8, 2009 Air Docket No. A-98-49, II-A4-109
Savannah River Site (SRS)			
October 31-November 3, 2005	EPA-SRS-CCP-10.05-08	SRS	July 10, 2006 Air Docket Nos. A-98-49, II-A4-62, 65, 68 and EPA-HQ-OAR-2006-0094

Date of Inspection	EPA Inspection No./Tier 1 Evaluation *	Site	Approval Date
August 7-8, 2007	Tier 1 Evaluation post baseline inspection		August 30, 2007 Air Docket No. A-98-49, II-A4-90
July 17-19, July 31-August 2, and December 4-5, 2007	EPA-SRS-CCP-RH-07.07-8		August 21, 2008 Air Docket No. A-98-49, II-A4-104 and EPA-HQ-OAR-2008-0410
March 24-26, 2009	Tier 1 Evaluation post baseline inspection		August 4, 2009 Air Docket No. A-98-49, II-A4-114

*Tier 1 evaluations/inspections added since they update the baseline inspection results.

8.4.1 EVALUATION OF 2009 COMPLIANCE FOR RECERTIFICATION

EPA regulations governing the disposal of TRU waste at the WIPP require EPA to inspect and approve waste characterization activities at DOE waste generator sites. Before waste is sent to WIPP for disposal, EPA approval is necessary. Without EPA's approval of a waste characterization program or program component (equipment), a waste stream (typically for RH waste), or a waste summary category group (typically for CH waste), DOE cannot certify a TRU site, or expand the existing site certification to add equipment, a new waste stream, or a waste summary category group. EPA continues to conduct unannounced and continued compliance inspections at the generator sites to verify that the waste characterization program can measure and track how much waste goes to WIPP and what that waste contains.

EPA is continually evaluating compliance with the requirements of Section 194.8 through QA and WC inspections, observations and technical reviews. Table CARD 8-2 lists all EPA, Section 194.8(b) and Section 194.24 (i.e., continued compliance) inspections between October 2005 and September 2009. All EPA inspection reports are available in EPA's Air Docket and can be obtained using the Docket Nos. identified in the Table below. Table CARD 8-3 lists all EPA, Section 194.8(a) QA audits through September 2009.

**Table CARD 8-2: EPA Waste Characterization Inspections
October 2005 through September 2009**

Site	EPA Inspection Date	Type of Inspection	Approval Date (EPA Air Docket No.)
Advanced Mixed Waste Treatment Plant (AMWTP)	March 28-30, 2006 April 11-13, 2006	Baseline for contact-handled (CH) waste	October 3, 2006 (A-98-49, II-A4-66)
"	August 7, 2007	Fact-finding visit to assess wrongful shipment	August 16, 2007 No Docket #
Argonne National Laboratory	September 12-14, 2006	Baseline for remote-handled (RH) waste	January 16, 2007 (A98-49, II-A4-73)
"	May 28, 2008	Tier 1 CH Visual Examination for newly-packaged waste	July 9, 2008 (A-98-49, II-A4-102)
General Electric- Velacitos Nuclear Center	December 2-4, 2008	Baseline for RH waste	August 26, 2009 (A-98-49, II-A4 -115)
Hanford – Richland Office	June 4-7, 2007	Baseline CH waste	July 17, 2008

	June 27, 2007		(A-98-49, II-A4-106)
“	June 12-16, 2007 August 9, 2007 August 22, 2007	Tier 1 K Basin CH waste	September 16, 2009* (A-98-49, II-A4-116)
Idaho National Laboratory (INL)	May 3-5, 2005	Baseline CH waste	November 2, 2005 (A-98-49, II-A4-59)
“	Desktop Review, Fall 2005	Tier 1 HENC for CH waste	November 16, 2005 (A-98-49, II-A4-60)
“	May 15, 2006	Tier 1 CH ARP-I (pit 4) and ARP II (pit 6)	August 1, 2006 (A-98-49, II-A4-67)
“	June 12-16, 2006 August 9, 2006 August 29, 2006	Baseline RH waste	January 12, 2007 (A-98-49, II-A4-72)
“	January 23-24, 2007	Tier 1 RTR for RH waste	February 12, 2007 (A-98-49, II-A4-80)
“	January 23-25, 2007	Tier 1 SuperHENC for CH waste	February 28, 2007 (A-98-49, II-A4-86)
“	January 8-10, 2008	Tier 1 RH K Cell waste	January 24, 2008 (A-98-49, II-A4-97)
“	March 5, 2008	Tier 1 DTC probe RH waste	April 11, 2008 (A-98-49, II-A4-98)
“	July 16, 2008	Tier 1 WAGS for CH waste	October 7, 2008 (A-98-49, II-A4-107)
“	December 9-11, 2008	Tier 1 Limited VE for NTS CH waste	March 4, 2009 (A-98-49, II-A4-110)
“	September 16-18, 2008	Continued compliance	March 25, 2009 (A-98-49, II-A4-112)
“	August 11, 2009	Tier 1 VET RH waste	September 22, 2009 (A-98-49, II-A4-118)
“	Desk-top review, August 2009	Tier 1 HENC gamma for CH waste	September 22, 2009 (A-98-49, II-A4-119)
INL/AMWTP	October 16, 2007	Unannounced	November 26, 2007 (A-98-49, II-A4-94)
Los Alamos National Laboratory	My 23-25, 2006 August 22, 2006 March 6, 2007	Baseline for CH waste	June 21, 2007 (A-98-49, II-A4-88)
“	Desk-top review, February 2006	Tier 1 HENC #1 calibration extension for CH waste	March 8, 2006
“	Conference call, September 12, 2007	Tier 1 HENC #2 Extend operation range for CH waste	October 22, 2007 (A-98-49, II-A4-91)
“	Conference call, November 26, 2007	Tier 1 HENC #1 Extend operation range for CH waste	December 7, 2007 (A-98-49, II-A4-95)
“	May 8-10, 2007	Baseline for RH waste	February 19, 2008 (A-98-49, II-A4-96)
“	April 1-2, 2008	Unannounced	June 19, 2008 (A-98-49, II-A4, 101)
“	June 25, 2008 July 29, 2008	Fact-finding visit to assess wrongful shipment	August 21, 2008 (A-98-49, II-A4-106)
Oak Ridge National Laboratory	November 13-15, 2007	Baseline for CH waste	August 21, 2008 (A-98-49, II-A4-103)
“	Desk-top review	Tier 1 SGS limit change for CH waste	October 8, 2008 (A-98-49, II-A4-108)

“	Desk-top review, November 2008	Tier 1 DWAS/IPAN calibration extension for CH waste	January 8, 2009 (A-98-49, II-A4-109)
“	June 30-July 2, 2008	Baseline for RH waste	February 3, 2009 (A-98-49, II-A4-111)
Savannah River Site	October 30-November 5, 2010	Baseline for CH waste	July 10, 2006 (A-98-49, II-A4-64)
“	August 7-8, 2007	SGS for CH waste	August 30, 2007 (A-98-49,II-A4-90)
“	March 24-26, 2009	NDA Box counter for CH waste	August 4, 2009 (A-98-49, II-A4-114)
“	July 17-19, 2007 July 31-August 2, 2007 December 4-5, 2007	Baseline for BCL RH waste	August 21, 2008 (A-98-49, II-A4-104)

* - EPA did not approve Hanford K Basin waste for disposal at WIPP.

In addition to the baseline and Tier 1 inspections, EPA performs continued compliance (announced) and unannounced inspections to verify that the approved sites continue to implement EPA-approved system of controls when characterizing waste for WIPP disposal.

The table of waste characterization inspections included in the 2009 CRA, reproduced as Table 8-1 above, did not identify instances where uncertified waste had been shipped to WIPP from a generator site. During 2007 and 2008, AMWTP and LANL respectively shipped uncertified waste containers to WIPP for disposal. The QA Specialists at these sites identified errant drums of waste that were mistakenly sent to the WIPP. DOE stopped all TRU waste shipments to WIPP for disposal until EPA completed its inspection and concurred with DOE's decision to resume shipments. The issues associated with errors were ultimately resolved and corrective actions were taken to avoid future occurrences.

The biggest change to the QA Programs since the 2004 Recertification was the expansion of the QA Program of the Central Characterization Project (CCP QA). The QA Programs for most waste generator sites are now under CCP QA, whose main office is located at Carlsbad NM. The EPA believes that this change has been beneficial to increasing the consistency of the waste generators' QA Programs. The number of EPA QA audits was reduced due to the reduction in the number of different waste generators, and most of the remaining audits focused on the CCP QA main office. Table CARD 8-3 provides a list of EPA audits conducted since October 2005. EPA audits of the CBFO QA programs can be found in EPA Air Docket A-98-49, Item II-A1.

Table CARD 8-3: EPA Quality Assurance Audits by Site – October 2005 thru September 2009

Site	Date	Purpose
Hanford	June 2006 (A-98-49, II-A1-86)	Subsequent audit to verify proper maintenance of Hanford's QA program per 194.8(a)(4).
	June 2007 (A-98-49, II-A1-95)	Subsequent audit to verify proper maintenance of Hanford's QA program per 194.8(a)(4).
	June 2008 (A-98-49, II-A1-102)	Subsequent Audit to verify proper maintenance of Hanford's QA program per 194.8(a)(4).
Hanford CCP	May 2009	Initial Audit to verify proper maintenance of CCP's

	(A-98-49, II-A1-105)	QA Program at Hanford.
RFETS	Completed	Last TRU waste shipment left RFETS on April 19 2005.
SRS CCP	November 2005 (A-98-49, II-A1-77)	Subsequent audit to verify proper maintenance of SRS CCP's QA program per 40 CFR 194.8(a)(4)
	October 2006 (A-98-49, II-A1-89)	Subsequent audit to verify proper maintenance of SRS CCP's QA program per 40 CFR 194.8(a)(4)
	February 2007 (A-98-49, II-A1-101)	Subsequent audit to verify proper maintenance of SRS CCP's QA program per 40 CFR 194.8(a)(4)
ANL-E CCP	September 2006 (A-98-49, II-A1-88)	Subsequent audit to verify proper maintenance of QA Program per 40 CFR 194.8(a)(4).
CCP Main Office at Carlsbad NM	January 2006 (A-98-49, II-A1-78)	Audit of the Washington TRU Solutions QA Program at the Waste Isolation Pilot Plant. Washington TRU Solutions QA Program includes the main office CCP's QA Program.
	April 2007 (A-98-49, II-A1-92)	Audit of the Washington TRU Solutions QA Program at the Waste Isolation Pilot Plant. Washington TRU Solutions QA Program includes the CCP's QA Program.
	August 2008 (A-98-49, II-A1-103)	Subsequent audit per 40 CFR 194.8(a)(4) of the main office for the Quality Assurance Program for CCP sites.
	February 2009 (A-98-49, II-A1-106)	Subsequent audit per 40 CFR 194.8(a)(4) of the main office for the Quality Assurance Program for CCP sites.
Vallecitos CCP	December 2008 (A-98-49, II-A1-104)	Initial Audit of Vallecitos QA Program per 40 CFR 194.8(a)(1)&(2).
Idaho National Laboratory (AMWTP)	August 2005 (A-98-49, II-A1-75)	Subsequent audit to verify proper maintenance of QA Program per 40 CFR 194.8(a)(4).
	April 2006 (A-98-49, II-A1-81)	Subsequent audit to verify proper maintenance of QA Program per 40 CFR 194.8(a)(4).
	June 14, 2006 (A-98-49, II-A1-87)	Subsequent audit to verify proper maintenance of QA Program per 40 CFR 194.8(a)(4).
	August 2009 (A-98-49, II-A1-107)	Subsequent audit to verify proper maintenance of QA Program per 40 CFR 194.8(a)(4).
Idaho CCP	April 21-23, 2007 (A-98-49, II-A1-93)	Initial audit of INL-CCP's program per 40 CFR 194.8(a)(1) & (2)
	August 22, 2007 (A-98-49, II-A1-96)	follow up audit of the CCP QA Program at the Idaho National Laboratory.
LANL CCP	May 2006 (A-98-49, II-A1-84)	Initial audit of LANL CCP QA program per 194.8(a)(1)&(2)
	April 2007 (A-98-49, II-A1-94)	Subsequent audit to verify proper maintenance of QA Program per 40 CFR 194.8(a)(4).
Oak Ridge CCP	November 2007 (A-98-49, II-A1-99)	Initial audit of LANL CCP QA program per 194.8(a)(1)&(2)

EPA did not receive any public comments on DOE's continued compliance with the approval process for waste shipment from WIPP waste generator sites for Disposal at the WIPP

requirements of Section 194.8.

8.4.2 2009 RECERTIFICATION DECISION

Based on a review and evaluation of the 2009 CRA, supplemental information provided by DOE (FDMS Docket ID No. EPA-HQ-OAR-2004-0025, Air Docket A-98-49) and EPA inspections and audits, EPA determines that DOE continues to comply with the requirements for Section 194.8.

The EPA finds that the waste generators' QA Programs continue to be effective at identifying problems with waste characterization items and activities that are important to the long-term isolation of transuranic waste. This quality problem was also properly documented and controlled by QA Specialists, and corrected by the responsible operational groups.