



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



APR 24 2002

OFFICE OF
AIR AND RADIATION



Dr. Inés Triay, Manager
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221-3090

Dear Dr. Triay:

As you are aware, Environmental Protection Agency (EPA) staff have been meeting regularly with staff of the Carlsbad Field Office (CBFO) and their support contractors to plan for the first recertification of the Waste Isolation Pilot Plant (WIPP), which is mandated by Section 8(f) of the WIPP Land Withdrawal Act (LWA). Pursuant to the WIPP LWA, the first recertification must take place in the 2003-2004 time frame. We appreciate the diligence of your staff and their willingness to work constructively with us in the accomplishment of this important milestone.

It has come to my attention that CBFO is planning a number of activities that will involve changes to the WIPP performance assessment (PA). The PA is an essential tool for the demonstration of compliance with our disposal regulations and WIPP Compliance Criteria. Therefore, at this stage we believe that it will be useful to provide some guidance to CBFO regarding our expectations for PA-related activities in support of recertification.

First, in accordance with 40 CFR 194.15(a), it will be necessary for CBFO to present an updated PA with the Compliance Recertification Application. The updated PA must describe any relevant new information and system changes since 1998 (for example, changes in the drilling rate, revisions of computer codes, and additional hydrologic information). I understand that, as part of CBFO's efforts to update the PA, CBFO is incorporating into the PA certain parameter values that EPA required DOE to use in the performance assessment verification test (PAVT) during the initial certification. We support the efforts of CBFO to incorporate these parameter values into the PA. This will eliminate the need for CBFO to perform two separate performance assessment activities and should expedite both CBFO's performance calculations and EPA's evaluation of those calculations.

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Second, CBFO is planning a number of other changes to the certification PA and PAVT framework that collectively are termed the “Technical Baseline Migration.” In EPA’s judgment, the core elements of the Technical Baseline Migration for purposes of recertification are the integration of PA and PAVT parameter values, computer code corrections, and updates to incorporate relevant new information. The result of this effort will be a new baseline PA to support the Compliance Recertification Application.

As we have discussed with your staff on several occasions, the changes to the certification PA that CBFO is considering as part of the Technical Baseline Migration require EPA approval under 40 CFR Part 194.4(b)(3). Moreover, certain of the planned changes likely will require additional steps such as peer reviews and/or the opportunity for public comment. Any changes in activities or conditions pertaining to the disposal system that depart significantly from the information and materials on which the current certification is based will require a modification rulemaking in accordance with 40 CFR 194.65.

Some of the changes currently included as part of the Technical Baseline Migration may necessitate a rulemaking to modify our Certification Decision. Examples of potentially significant changes are to conceptual models (such as the model of disposal system geometry and the resulting changes to the PA computational grid) and to the panel closure design. Please be aware that a modification rulemaking may take a year or longer to complete, based on the complexity of the proposal and other factors.

EPA will not combine a rulemaking to modify the current certification with our recertification decision. Thus, EPA will not authorize any significant changes to activities or conditions pertaining to the disposal system under authority of 40 CFR Part 194.4(b)(3)(vi) as part of the recertification decision. We first notified you of our intent in this regard in our December 2000 Recertification Guidance to the U.S. Department of Energy.

Given the extensive evaluation that will be necessary for some of the proposed changes, we advise CBFO to deliver any proposals that require our consideration soon. We must allow sufficient time to complete our review of your proposal(s), including public comment if appropriate, before EPA commences the recertification evaluation.

Finally, as always, we expect that all CBFO activities identified in 40 CFR Part 194.22(b)(2), including computations, will be adequately documented and executed in full compliance with applicable quality assurance standards. We will incorporate an assessment of quality assurance in our review of any PA-related proposals.

Thank you for your attention. If you have any questions about this guidance, please call Scott Monroe at (202) 564-9712.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Marcinowski". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline that extends to the right.

Frank Marcinowski, Director
Radiation Protection Division

cc: Cindy Zvonar, CBFO
Ava Holland, CBFO
Matthew Silva, EEG
✓ Steve Zappe, NMED