



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

September 6, 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

Dear Dr. Triay:

We have conducted a preliminary review of the Department of Energy (DOE), Carlsbad Field Office's (CBFO) proposal entitled "Receipt of Wastes Containing Classified Materials," in accordance with 40 CFR 194.4(b)(3). We have determined that we need additional information to render a decision on the proposal listed in your letter dated June 28, 2002.

In general, we were pleased to find that the proposal addresses the topics recommended in our Recertification Guidance of December 2000, including: nature and scope of the change, information different from the Compliance Certification Application (CCA), and the regulatory assessment for 40 CFR Part 194. This information, presented in an organized format, greatly assisted in our review.

We do not expect that the acceptance of classified waste at the Waste Isolation Pilot Plant (WIPP) would constitute a major change if it can be shown that the waste will adhere to the limits on important waste components that comprise the waste envelope modeled in the WIPP performance assessment, and if there are sufficient assurances that our inspectors can observe and confirm the adequacy of relevant waste characterization activities and data. However, the existing proposal does not provide enough information for us to determine whether the above criteria would be fulfilled. Specifically, the following areas require further information and justification: (1) Composition of wastes containing classified materials; (2) Information on the de-classification process and DOE's rationale for abandoning the existing commitment in the CCA; and (3) Information to document/confirm that waste

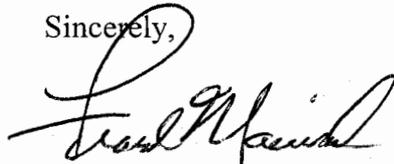


characteristics/components of wastes containing classified materials are within the waste envelope approved in the certification decision. The enclosure provides more details on these topics.

Once we receive this additional information, we will complete our review and provide you with a determination of whether the proposed change constitutes a significant change that would require a modification of the certification decision.

If you have any questions regarding the requested information, please contact Agnes Ortiz at (202) 564-9466.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Marcinowski". The signature is written in a cursive style with a large initial "F".

Frank Marcinowski, Director  
Radiation Protection Division

Enclosure

cc: Matthew Silva, EEG  
Steve Zappe, NMED  
WIPP docket

**Enclosure:****Additional Information on Receipt of Waste Containing Classified Materials****I. Composition of Wastes Containing Classified Materials**

Provide information on the physical, chemical, and radiological composition of wastes containing classified materials to support statements in the proposal regarding the make-up of the classified waste, the volume of these wastes, and the classified waste parameters. Provide support documentation.

- What are DOE's estimates of the physical, chemical, and radiological composition of waste streams containing classified materials? What matrix codes and waste material parameters are involved?
- What are the important waste characteristics and waste components (as defined in EPA's WIPP Compliance Criteria) affected by the classified waste?

**II. Information on the De-classification Process and DOE's Rationale for Abandoning the Existing Commitment in the CCA**

DOE proposes that classified materials should be sent to WIPP for disposal without prior de-classification of these materials. However, in the CCA (Appendix BIR) DOE stated that these materials will be de-classified prior to disposal and explicitly excluded these materials from the WIPP. This constitutes a change from information previously submitted and approved by EPA.

Answer the following questions and provide support documentation:

**A) General Information:**

- What processes result in the generation of wastes containing classified materials?
- What is the basis for considering certain items/waste components classified materials and handling them as such?
- How would wastes containing classified materials be tracked in the WWIS in terms of cellulosic, plastic, and rubber, chemical contents, radiological content, surface dose, etc.?

- Provide examples of de-classified information for assessment of compliance that typically would be available to an EPA inspector without a Q clearance (e.g., AK and NDA). Provide examples of waste characterization data sets for one or two waste streams containing classified materials.

B) Describe the process of de-classifying wastes.

C) Provide the rationale for abandoning the existing commitment in the CCA. Why were sites with classified wastes originally required to de-classify prior to shipment? What has changed to make de-classification no longer necessary? Discuss the reasons why the current de-classification requirement is no longer necessary to meet compliance.

D) Provide a comparison of costs, risks, and benefits of de-classification vs. non de-classification of the wastes.

III. Information to Document/Confirm that Waste Characteristics/Components of Wastes Containing Classified Materials are Within the Waste Envelope Approved in the Certification Decision.

DOE states on page 11 of the proposal that “classified materials were not included in the final waste form inventory.” The proposal also states that because “these wastes can be accommodated in the existing approved inventory limits, acceptance of the waste streams for disposal at WIPP will have no impact on long-term repository performance.” Please provide answers to the following questions and provide support documentation:

- Why were classified wastes not included in the final waste form inventory?
- What analysis or information can DOE offer to prove that these wastes, although not included in the waste inventory initially, are within the existing approved waste envelope limits (on important components) and will have no impact on long-term repository performance? Provide results of analyses or detailed information to support conclusions.