



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



September 6, 2002

OFFICE OF
AIR AND RADIATION

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



Dear Dr. Triay:

Thank you for your letter of June 28, 2002, forwarding the document entitled "Notification of Proposed Changes to the EPA 40 CFR Part 194 Certification of the Waste Isolation Pilot Plant (WIPP) for use of Radiography in Lieu of Visual Examination for Newly Generated Waste and Repackaged Waste."

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.

The proposed change departs from the existing waste characterization requirements for repackaged and newly-generated waste to undergo visual examination (VE) on all containers. (See CARD 24, section 24.F.4 and our Certification Decision at 63 FR 27392, May 18, 1998.) Based on our preliminary review, we do not expect that this proposal constitutes a significant change from the CCA. Waste containers in question would still have 100% confirmation of acceptable knowledge (AK). Furthermore, existing quality control methods, including random selection of waste containers for VE, would apply to those drums for which real time radiography (RTR) was the primary method of AK confirmation. We believe that the proposal offers several practical benefits and could provide certain sites flexibility in using their waste characterization staff and facilities efficiently and effectively. To further evaluate the effectiveness of RTR compared to VE for these wastes, we request that the Department of Energy respond to the following questions:

- What sites and approximate volumes and waste categories at each site would be expected to request RTR as the primary means of AK confirmation?

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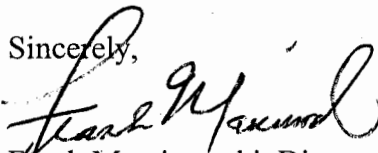


- Under what circumstances would the Carlsbad Field Office (CBFO) approve a site's request for using RTR in lieu of VE for newly-generated and repackaged waste? What justification/information would need to be provided by the sites, and what criteria would CBFO use to determine whether to approve such a request?
- How does CBFO intend to notify EPA which TRU waste sites have been approved for the proposed change?
- What are the current mis-certification rates using RTR for each of the currently approved sites (for each year they were characterizing waste for WIPP) and each waste category?
- Of the drums subject to radiography, what percent would be visually examined for confirmation?

We will evaluate this additional information before making a final decision on the proposal.

If you have any questions, please contact Ed Felcorn (202-564-9422) or Rajani Poglekar (202-564-7734) of my staff.

Sincerely,



Frank Marcinowski, Director
Radiation Protection Division

cc:

Nick Stone, EPA Region VI
Steve Zappe, NMED
Matthew Silva, EEG