



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

ENTERED

AUG 8 2003

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:

The U.S. Environmental Protection Agency (EPA) has completed its review of the U.S. Department of Energy (DOE, or the Department) Carlsbad Field Office's (CBFO) 2002 report on changes in activities or conditions that pertain to the Waste Isolation Pilot Plant (WIPP), in accordance with 40 CFR 194.4(b)(4). On the basis of the information provided by CBFO in correspondence dated November 19, 2002, and the supplemental information dated June 3, 2003, we determined that the report is complete and that the reported changes are not significant.

The Department submitted the change report to the Environmental Protection Agency (EPA) on November 19, 2002. Based on a preliminary review of that report, we requested additional information regarding the following areas: 1) new or revised plans and reports; 2) the Section 194.8 approval process; and 3) waste inventory update. CBFO's subsequent submission (dated June 3, 2003) responded to these requests.

The first item was adequately addressed by the submission of revised plans. Additional information also appropriately described Section 194.8 site approvals and dates for certain waste generator sites (Item 2). As I emphasized in our April 8, 2003, letter requesting additional information, DOE must obtain EPA's approval to use of the Multi-Purpose Crate Counter at Rocky Flats for characterizing waste categories other than newly-generated, retrievable-stored debris and homogeneous solid waste.

In response to Item 3, you provided information explaining that waste shipped from the Rocky Flats Environmental Technology Site is dominated by residues that have an isotopic distribution that is not typical of the average characteristics assumed in the Department's original Compliance Certification Application (CCA). You also clarified that Rocky Flats has a limited

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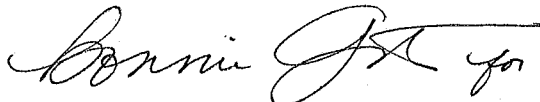
waste inventory and waste from other sites has different isotopic profiles which may also differ from the average characteristics in other radionuclides. However, as stated in your letter, the waste profiles overall would be expected to match CCA performance assessment (PA) assumptions: "As the shipments from other sites increase, the relative proportion of radionuclides will approach the [CCA] PA values." For the purpose of this annual report, we find that this information adequately explains why the Rocky Flats waste is not expected to alter the overall average characteristics across the entire repository, nor to cause the overall inventory limits on radionuclides to be exceeded.

Regarding waste inventory, you also noted in your letter that "The Compliance Recertification Application performance assessment will examine the impacts of the combined activity levels [of] waste emplaced and future anticipated waste." We agree and expect that all actual and expected waste inventory changes and characteristic changes will be included in the performance assessment calculations for recertification. Furthermore, the Agency does not necessarily agree that the actual loading of waste at WIPP in Panel 1 "is within the modeling basis and assumptions used in the CCA." The EPA believes that additional analysis must be performed to confirm that the actual emplaced waste loading does not adversely affect the long-term performance of the WIPP disposal system. We expect that such analyses can be completed as part of the recertification process, which would also provide updated inventory estimates based on waste already emplaced or characterized for WIPP disposal.

Lastly, per our letter of May 22, 2003, we granted CBFO's request to alter the reporting dates for future Annual Change Reports. The 2003 report will include information from September 16, 2002, through June 30, 2003 and will still be submitted in mid-November. Following the 2003 submission, future annual change reports will reflect changes between July 1 and June 30 of each year with a mid-November submission date.

If you have any questions, please contact Lisa Sharp at (202) 564-3337.

Sincerely,



Frank Marcinowski, Director
Radiation Protection Division

cc: Matthew Silva, EEG
✓ Steve Zappe, NMED