



Department of Energy
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October 2, 2008



Mr. Tom Peake
Radiation Protection Division
US EPA Headquarters
Office of Radiation and Indoor Air
Ariel Rios Building, Mail Code: 6608J
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460



Dear Mr. Peake:

Thank you for your timely response (letter dated July 9, 2008) to our communication regarding the issuance of Revision 6.2 of the Transuranic (TRU) Waste Acceptance Criteria (WAC) for the Waste Isolation Pilot Plant (DOE/WIPP-02-3122, May 30, 2008). CBFO is pleased that the changes made to Appendix G adequately address EPA's concern about performing limited VE in lieu of RTR and that EPA concurs with these changes. However, because EPA has not always required concurrence on changes to the WAC in the past, I respectfully request a better description of the specific requirements and the criteria for obtaining EPA concurrence of WAC changes prior to their implementation to prevent recurrence. Upon receipt of the specific requirement and criteria for obtaining EPA concurrence of WAC changes, CBFO will seek your concurrence in the future as specified.

With regards to your request that the WAC language be improved to emphasize the importance of complete and accurate identification of waste material parameters (WMPs) in individual TRU waste containers destined for WIPP disposal, I specifically take issue with your claims in the letter that the identification of waste material parameters are incomplete and inadequate and that "waste characterization personnel at TRU sites are not aware of the importance of accurate and complete identification of WMP contents of TRU waste containers to WIPP compliance and may not capture all of the items as required." CBFO certified TRU waste characterization and certification programs have been operating for over nine years compliantly with applicable EPA regulations and requirements, as evidenced by EPA approval of baseline inspections and tier changes associated with the performance of the visual examination process. Any issues that been confirmed or were suspected to be out of compliance with those requirements have been promptly reported to EPA and corrected to prevent recurrence.

Including a **more** descriptive and detailed identification of items in the waste containers would be an implementation of EPA's preference above and beyond what is required by the EPA-driven requirements. The currently certified programs do, in fact, compliantly and clearly identify **all** discernible waste items.



The concerns expressed by EPA inspectors were interpreted to be their opinions of the level of detail they would prefer to see when waste items are identified and described. The WAC currently states, "*Visual examination shall be conducted to describe all contents of a waste container and includes **estimated or measured weights** of the contents. The description shall clearly identify all discernible waste items, residual materials, packaging materials, and **waste material parameters** [emphasis added as indicated].*"

Additionally, as stated in Title 40 CFR Part 191, Subparts B and C, Compliance Recertification Application for the Waste Isolation Pilot Plant, 2004, Section 4.3.2, waste material parameter data entry into the WWIS includes **estimated** weights. Since the waste characterization requirements for compliance with the EPA's regulations and the WAC are implemented by Standard Operating Procedures (SOPs) (see Title 40 CFR Part 191, Subparts B and C, Compliance Recertification Application for the Waste Isolation Pilot Plant, 2004, Section 4.4 "Waste Characterization"), enclosed for your review is a copy of "CCP Standard Contact-Handled Waste Visual Examination" (Revision 10, CCP-TP-113). Your perusal of this document should provide further verification that the objective evidence exists to adequately address your concerns without requiring a modification to the WAC.

Please contact Casey Gadbury at (575)234-7372, if you have additional questions or concerns.

Sincerely,



David C. Moody
Manager

Enclosure

cc: w/enclosure:

- J. Edwards, USEPA *ED
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