



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

DEC 15 2010

OFFICE OF
AIR AND RADIATION

J R Stroble
Manager, National TRU Program
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221-3090



Dear Mr. Stroble:

On December 6, 2010, the U.S. Department of Energy (DOE), Carlsbad Field Office (CBFO) sent a letter to the U.S. Environmental Protection Agency (EPA) requesting concurrence with changes to the DOE's Waste Acceptance Criteria (WAC) document used for accepting transuranic (TRU) waste for disposal at the Waste Isolation Pilot Plant (WIPP). These changes were necessary to make the WAC compatible with the recent changes to the hazardous waste facility permit that the State of New Mexico issued earlier this year. EPA comments are attached in the enclosed Attachment A. Upon addressing EPA comments CBFO can issue the revised WAC for implementation at TRU waste sites characterizing waste for WIPP disposal and seeking DOE's initial certification or annual recertification for waste disposal. EPA concurs with the proposed changes as compatible with EPA regulations at 40 CFR 194.24. Please forward a courtesy copy of the revised WAC when distributed for implementation.

In have any questions regarding this approval, please contact Ed Felcorn at (202) 343-9422 or Rajani Joglekar at (202) 343-9462.

Sincerely,

Tom Peake, Director
Center for Waste Management & Regulations



cc: Electronic Distribution
Alton Harris, DOE EM
Ed Ziemianski, CBFO
Courtland Fesmire, CBFO
Norma Castaneda, CBFO
Martin Navarrete, CBFO
Dennis Michls, CBFO
Steve Zappe, NMED
Allison Pangle, CTAC
Patrick Kelly, SCA

ATTACHMENT A

Below are EPA comments on Department of Energy's transuranic waste acceptance criteria for the Waste Isolation Pilot Plant (DOE-WIPP-032-3122, Revision 7.0, Draft O), which EPA reviewed for concurrence.

General Comments:

1. Page 21, Section 3.1.4.1 **EPA Compliance Recertification Decision**..... *The results of this determination are reported in the WWIS database on a payload basis. The methods used to quantify the above waste components for purposes of EPA compliance are discussed in Appendices A, F and G.* EPA compliance is also detailed in the Waste Analysis Plan (WAP) and the Remote-Handled Waste Characterization Program Implementation Plan (WCPIP). The purpose of this comment is to point out that while WAC guidance may be helpful, other documents may provide more useful information pertinent to the overall system of controls, particularly for Acceptable Knowledge (AK). EPA recommends that CBFO insert the following text in the Executive Summary: "When implementing the WAC a TRU Site should refer to other WIPP-related documents, namely the Waste Analysis Plan (WAC), Revision __, dated _____ and the Remote-Handled Waste Characterization Program Implementation Plan (WCPIP), Revision __, dated _____, for information pertinent to the system of controls including compilation of Acceptable Knowledge (AK)."
2. Page 10, List of Acronyms: The term QAO has been deleted from the list of acronyms but still appears in the text, i.e., pages 103 and 108.
3. Pages 103 and 108, Appendix G: The 3rd paragraph of G.1 states "Visual examination does not require audio/visual recordings of the examination; the examination is documented on a data form and certified with signatures from two qualified VE operators". However, the first bullet in G.3 states "The video/audio media shall record the waste packaging event..." These two statements appear contradictory. Suggest rewording the G.1 text to read " Visual examination does not require audio/visual recordings of the examination if the examination is documented. "

Comments Specific to Appendix A:

1. Page 63, 13th line from the bottom: "Scaling Factor(s)" appears many times in Appendix A, but no general definition or explanation of this term has been provided.

2. Section A.2.2.1, page 64, 9th line of the paragraph. The sentence reads: "Assumptions made in this delineation shall be identified." Recommend that the sentence read: "Assumptions made in this delineation shall be identified *and the basis or rationale for each shall be technically justified.*"
3. Page 65, 2nd bullet from top, 3rd line: It is suggested that the word "comprise" be replaced with "contribute to" to read "... radionuclides that *contribute to* 95% of the radiological hazard ..." to be consistent with Appendix A and the main document.
4. Section A.2.2.2, page 65, 2nd bullet: Special nuclear material is not defined. A definition is needed to distinguish "special nuclear material (SNM)" from "nuclear material."
5. Page 66, Table A-1. It is suggested that all acronyms/notations employed in the table be defined in a footnote to the table to make the table clear and independent of the text.
6. Page 67, middle of last paragraph; also, page 69, close to the end of the first paragraph Percent recovery (%R) and its relationship to accuracy should be explained when it is said that "Accuracy is reported as %R."
7. The definition of "accuracy" is missing from Appendix C (Glossary).
8. Page 69, the sentence before the last in the first paragraph: The sentence reads "Precision is reported as percent relative standard deviation (% RSD)." Appendix C states that precision is "often expressed as a standard deviation or relative percent difference. " % RSD, which is the same as the coefficient of variation, and relative percent difference (RPD) are not defined in Appendix C. (RPD appears in the third column of Table A-4 on page 73.)
9. Page 69, Table A-2: The footnote identifier "a" is not provided in the table. Clarification and/or a reference for the inequality appearing in the footnote of the table would be useful.
10. Page 73, Table A-4: The footnote text to identifier "e" for the column **Corrective Action**. *See Radioisotopic Tracer* is not provided. The terms in the column labeled **QC Sample** are not defined in Appendix C, e.g., *Matrix Spike, Laboratory Control Sample and Radioisotopic Tracer*.

11. Global Editorial comment. Throughout the document (the main body and the appendices), whenever a section has been referenced, the first letter of the word section has been changed from upper case "S" to lower case "s." This change has not been made consistently.