



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

 **ENTERED**

JAN 13 2017

Honorable Dr. Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585



Dear Mr. Secretary:

Pursuant to Section 8(f) of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act, as amended, and in accordance with the WIPP Criteria at 40 CFR § 194.11, I hereby notify you that the U.S. Environmental Protection Agency (EPA or "Agency") has determined that the U.S. Department of Energy's (DOE or "Department") 2014 Compliance Recertification Application (CRA) for the WIPP is complete. This completeness determination is an administrative determination required under the WIPP Compliance Criteria, which implements the Radioactive Waste Disposal Regulations at subparts B and C of 40 CFR part 191. While the completeness determination initiates the six-month evaluation period provided in section 8(f)(2) of the Land Withdrawal Act, it does not have any generally applicable legal effect. Further, this determination does not imply or indicate that the DOE's CRA demonstrates compliance with the Compliance Criteria or the Disposal Regulations.

Section 8(f) of the amended Land Withdrawal Act requires the EPA to determine every five years if the facility continues to comply with the EPA's disposal regulations. This third recertification process includes a review of all changes made at the WIPP for the five-year period of March 2009 through March 2014.

Under the applicable regulations, the EPA may recertify the WIPP only after the Department has submitted a complete application (see 40 C.F.R. § 194.11). The DOE submitted the CRA on March 26, 2014. On September 29, 2014, the Agency began its official review to determine whether the application was complete. Shortly thereafter, the EPA began to identify areas of the 2014 CRA that required supplementary information and analyses. In addition, the Agency held informal public meetings on the CRA in Carlsbad and Albuquerque, NM in June 2015. As a result of these meetings, the Agency received public comments and identified areas where additional information was needed for the EPA's review. A final webinar relating to this completeness evaluation – accessible online by any interested individuals (and with hosting locations in Carlsbad and Albuquerque, NM) – was held on January 12, 2017.

The Agency identified completeness concerns in a series of letters and correspondence to successive managers and their staff at the DOE's Carlsbad Field Office (CBFO) during the completeness review period. This correspondence is summarized on the enclosed list.

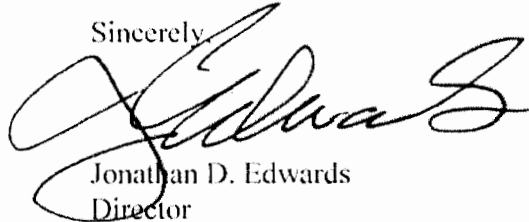


All completeness-related correspondence has been placed in the public docket related to the 2014 CRA on www.regulations.gov (Docket ID#: EPA-HQ-OAR-2014-0609). This information also is available via the EPA's WIPP website (<https://www.epa.gov/radiation/certification-and-recertification-wipp>).

The Agency has been conducting a preliminary technical review of the CRA since its submittal and has provided the DOE with relevant technical comments on an ongoing basis. Though the EPA has made a determination of completeness, the Agency will continue its technical review of the 2014 CRA, and will convey further requests for additional information and analyses as needed. The EPA will issue its compliance recertification decision, in accordance with 40 CFR part 194 and part 191, subparts B and C, after it has thoroughly evaluated the complete CRA and considered relevant public comments. The public comment period on our completeness determination will remain open for 30 days following the publication of this letter in the Federal Register.

Thank you for your cooperation during our review process. Should your staff have any questions regarding this request, they may contact Tom Peake at (202) 343-9765 or peake.tom@epa.gov.

Sincerely,



Jonathan D. Edwards
Director

Office of Radiation and Indoor Air

Enclosure: List of EPA Completeness Correspondence and DOE Responses for the 2014 CRA

cc: Monica Regalbuto, DOE/HQ
Frank Marcinowski, DOE/HQ
Betsy Forinash, DOE/HQ
Alton Harris, DOE/HQ
Alan Perrin, EPA
Lee Veal, EPA
Tom Peake, EPA
Kathleen Economy, EPA
Todd Shrader, DOE/CBFO
Sean Dunagan, DOE/CBFO
George Basabilvazo, DOE/CBFO
Russ Patterson, DOE/CBFO
Ricardo Maestas, NMED
Nick Stone, EPA Region 6
EPA WIPP Team
EPA WIPP Docket

Enclosure: Dates of EPA Completeness Correspondence and DOE Responses for the WIPP CRA 2014

EPA requests for additional information of DOE as part of EPA's CRA-2014 completeness review:

- **September 29, 2014** – EPA (J. Edwards) email to DOE (J. Franco) announces initiation of completeness review of DOE's CRA -2014 for WIPP
- **December 17, 2014** – EPA (J. Edwards) to DOE (J. Franco) issues 1st set of completeness questions
- **February 27, 2015** – EPA (J. Edwards) to DOE (J. Franco) issues 2nd set of completeness questions
- **June 05, 2015** – EPA (J. Edwards) to DOE (J. Franco) issues 3rd set of completeness questions
- **July 30, 2015** – EPA (J. Edwards) to DOE (D. Bryson) issues 4th set of completeness questions
- **August 26, 2015** – EPA (T. Peake) to DOE (R. Patterson) transmitting EPA request to perform BRAGFLO sensitivity study calculations related to creep closure of experimental room and open drifts
- **February 26 2016** – EPA (T. Peake) to DOE (R. Patterson) issues clarification questions related to chemistry completeness questions
- **February 11, 2016** – EPA (K. Economy) email to DOE/SNL (C. Camphouse) transmitting EPA parameter values to be used in BRAGFLO sensitivity study calculations related to creep closure of experimental rooms and open drifts
- **February 26, 2016** – EPA (K. Economy) email to DOE (R. Patterson) transmitting EPA's request to perform refinements of specific parameters to be used in BRAGFLO sensitivity study calculations related to creep closure of experimental rooms and open drifts
- **February 26, 2016** – EPA (T. Peake) to DOE (R. Patterson) transmitting EPA issues related to FEPs and actinide geochemistry
- **June 6, 2016** – EPA (T. Peake) to DOE (R. Patterson) transmitting request to perform a set of BRAGFLO sensitivity study calculations (modeling creep closure of ROM salt panel closures, adjoining DRZ, experimental areas and open drifts, etc.) labeled as SEN3
- **June 30, 2016** – EPA (K. Economy) email to DOE (R. Patterson) transmitting EPA's responses to SNL/DOE concerns related to parameter values to be used in

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in BRAGFLO sensitivity study (SEN3) calculations

- **July 28, 2016** – EPA (K. Economy) email to DOE (R. Patterson) outlining refinements to completeness questions related to colloids and geochemistry
- **September 12, 2016** – EPA (J. Werner) email to DOE (G. Basobilvazo, et al.) conveying EPA-DOE agreements and action items from the Albuquerque technical exchange conducted between August 31-September 1, 2016
- **September 30, 2016** – EPA (T. Peake) email to DOE (S. Dunagan) transmitting a list of references/data that EPA believes need to be excluded/included in the development of the actinide solubility uncertainty distributions
- **October 7, 2016** – EPA (T. Peake) email to DOE transmitting EPA assessment of the third sensitivity study (SEN3) results
- **November 4, 2016** – EPA (J. Werner) requests DOE (S. Dunagan) perform fourth sensitivity study, SEN4
- **November 10, 2016** – EPA (J. Werner) email to (S. Dunagan) DOE, clarification of the EPA-requested fourth sensitivity study (SEN4)

DOE submittal to EPA requested information as part of EPA's CRA-2014 completeness review:

- **January 28, 2015** - DOE (J. Franco) 1st response to EPA (J. Edwards) completeness comments
- **March 18, 2015** – DOE (J. Franco) 2nd response to EPA (J. Edwards) EPA completeness comments
- **April 08, 2015** – DOE (J. Franco) 3rd response to EPA (J. Edwards) completeness comments
- **May 29, 2015** – DOE (J. Franco) 4th response to EPA (J. Edwards) to EPA completeness comments
- **July 15, 2015** – DOE (D. Bryson) 5th response to EPA (J. Edwards) completeness comments
- **July 20, 2015** – DOE (R. Patterson) email to EPA (T. Peake) related to EPA's revised draft document of *A Summary of EPA's Rejection DOE's Revised Approach to PBRINE*.

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- **September 25, 2015** – DOE (D. Bryson) 6th response to EPA (J. Edwards) completeness comments
- **December 8, 2015** – DOE (T. Schrader) 7th response to EPA (J. Edwards) completeness comments
- **May 6, 2016** – DOE Contractor (M. Tercero) email to EPA (T. Peake) responding to EPA's request to perform a set of BRAGFLO sensitivity study calculations
- **May 25, 2016** – DOE (T. Schrader) 8th response to EPA (J. Werner) completeness comments
- **June 16, 2016** – DOE (Russ Patterson) email to EPA (Kathy Economy) responding to EPA's June 6 requests for a 2nd *BRAGFLO Sensitivity Study*
- **July 11, 2016** – DOE (Russ Patterson) email to EPA (Kathy Economy) responding to EPA's questions regarding BRAGFLO convergence issues
- **August 3, 2016** – DOE (Russ Patterson) email to EPA (Kathy Economy) transmitting comments on EPA's issues related to actinide chemistry issues
- **August 19, 2016** – DOE (Russ Patterson) email to EPA (Kathy Economy) related actinide chemistry issues discussed in August 9, 2016 DOE/EPA teleconference
- **August 26, 2016** – Document from Mike Gross (contractor to DOE) to EPA (Kathy Economy) related to actinide chemistry issues transmitted to DOE in July 28, 2016 email and discussed in August 9, 2016 DOE/EPA teleconference
- **September 8, 2016** – DOE (Russ Patterson) email to EPA (Kathy Economy) related to modifying Pu +III/IV oxidation states
- **September 26, 2016** – DOE (R. Patterson) response to EPA (T. Peake); results related to EPA requested Sensitivity Study. (SEN3) modifying ROM salt properties in a set of BRAGFLO calculations

Enclosure: Dates of EPA Completeness Correspondence and DOE Responses for the WIPP CRA 2014

- **September 30, 2016** – DOE transmits response to EPA regarding actinide chemistry issues outlined in an EPA e-mail (July 28, 2016)
- **October 6, 2016** – DOE (R. Patterson) to EPA (T. Peake) response to EPA's geochemistry and colloid questions
- **December 14, 2016** – DOE (R. Patterson) transmits to EPA (T. Peake) *"Uncertainty Analysis of Actinide Solubilities for CRA 2014 Sensitivity Investigation (CRA 2014_SEN4)*