



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY**

Washington, DC 20460

November 17, 2021

OFFICE OF
AIR AND
RADIATION

Mr. William White
Acting Assistant Secretary
Office of Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. White:

Pursuant to Section 8(f) of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act (LWA), as amended, and in accordance with 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 (DOE or Department) 2019 Compliance Recertification Application (CRA) for the WIPP is complete. This completeness determination is an administrative determination required under 40 CFR part 194 (Compliance Criteria), which implements the disposal regulations at 40 CFR part 191, subparts B and C (Disposal Regulations). While the completeness determination initiates the six-month evaluation period provided in section 8(f)(2) of the LWA, it does not have any generally applicable legal effect. Further, this determination does not imply or indicate that the CRA demonstrates compliance with the Compliance Criteria or the Disposal Regulations.

Section 8(f) of the LWA requires the EPA to determine every five years if the WIPP continues to comply with the Agency's Disposal Regulations. The current recertification process includes a review of all changes at the WIPP for the five-year period of March 2014 through March 2019.

Under the applicable regulations, the EPA may recertify the WIPP only after the Department has submitted a complete application (see 40 CFR § 194.11). The DOE submitted the CRA on March 19, 2019. On September 25, 2019, the Agency began its official review to determine whether the application was complete. Shortly thereafter, the EPA began to identify areas of the CRA that required supplementary information and analyses.

The Agency communicated concerns relating to the completeness of the CRA in a series of letters and correspondence to managers and staff at the DOE's Carlsbad Field Office (CBFO) during the completeness review period. Completeness-related correspondence – from both the EPA and the DOE – has been placed in the public docket for the CRA on www.regulations.gov (Docket ID#: EPA-HQ-OAR-2019-5304). This information also is available via the EPA's WIPP website (<https://www.epa.gov/radiation/certification-and-recertification-wipp>). In addition, the Agency held a virtual, informal public meeting on the CRA in August 2021 and heard comments from interested stakeholders.

Though the EPA has made a determination of completeness, the Agency will continue its technical review of the CRA and may convey requests for additional information and analyses, as needed. The

211117

EPA will issue its compliance recertification decision, in accordance with the LWA and 40 CFR part 194 and part 191, subparts B and C, after it has thoroughly evaluated the complete CRA and considered relevant public comments.

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 Edwards

Jonathan D. Edwards
Director
Office of Radiation and Indoor Air

cc: Honorable Jennifer Granholm, DOE
Joseph Goffman, EPA