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# FACSIMILE TRANSMITTAL ROUTING SHEET

TELEFAX NUMBER (505) 887-1855



**US Department of Energy  
Carlsbad Area Office**

*ENTRANCE*

Date: May 19, 1997  
Number of pages including cover sheet: 7

To: Mark Weidner From: George Dials  
Location: NMED Location: CAO  
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CC:

REMARKS  Urgent  For your review  Reply ASAP  Please comment

*Attached EPA Completeness letter and schedule presented to the National Academy of Sciences indicate a May 1995 certification decision by EPA. We will work diligently, of course, to reduce the review time wherever practicable. I trust that the RCLA Part B decision can be made in the same time frame.*  
*George Dials*





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

x!! Semi Staff  
Cognate  
D. J. D.

MAY 16 1997

THE ADMINISTRATOR

Honorable Federico Peña  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Secretary:

Pursuant to Section 8(d) of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act, as amended, (the Act, or the LWA), and in accordance with the WIPP Compliance Criteria at 40 CFR §194.11, I hereby notify you that the U.S. Environmental Protection Agency (EPA) has determined that the U.S. Department of Energy's (DOE) Compliance Certification Application (CCA) for WIPP is complete. This completeness determination is a preliminary, interim determination required under the WIPP Compliance Criteria, which implement the Agency's Final Radioactive Waste Disposal Regulations at Subparts B and C of 40 CFR Part 191 (Disposal Regulations). While the completeness determination initiates the one-year evaluation period provided for in Section 8(d)(2) of the LWA, it does not have any generally applicable legal effect. Further, this determination does not imply or indicate that the CCA demonstrates compliance with the Compliance Criteria and/or the Disposal Regulations.

Section 8(d)(2) of the LWA requires EPA to certify whether WIPP complies with the Agency's Disposal Regulations. Section 8(d)(4) of the Act requires that EPA only perform such certification after DOE has submitted a "full" (or complete) application. Upon receipt of the CCA on October 29, 1996, EPA immediately commenced its review to determine whether the CCA was complete. Shortly thereafter, the Agency began to identify areas of the CCA that required supplementary information and analyses. In addition, EPA received numerous public comments on the CCA that identified areas of concern.

EPA identified completeness concerns in a December 19, 1996 letter from Mary Nichols, Assistant Administrator for the Office of Air and Radiation, to Alvin Alm, Assistant Secretary for Environmental Management. DOE responded with additional information, records packages, and clarifications, as necessary.

To the extent possible, the Agency has also been conducting a preliminary technical sufficiency review, and has provided the Department with relevant technical comments on an ongoing basis. EPA will continue to conduct its technical review of the CCA. The Agency will

issue its proposed compliance certification decision, in accordance with 40 CFR Part 194 and Part 191 Subparts B and C, after it has thoroughly evaluated the complete CCA and considered relevant public comments. Thank you for your cooperation during our review process. Should you have questions regarding this request, please contact Ramona Trovato at (202) 233-9320.

Sincerely,



Carol M. Browner

cc: Alvin Alm (DOE/HQ)  
George Dials (DOE/CAO)  
Ramona Trovato (EPA/ORIA)

**STATUS OF EPA REVIEW  
of  
DOE's WIPP COMPLIANCE CERTIFICATION APPLICATION**

*Presentation to:*

*National Academy of Sciences WIPP Committee*

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*National Academy of Sciences WIPP Meeting  
May 15, 1997*



## EPA WIPP CERTIFICATION APPLICATION REVIEW ACTIVITIES

- Review Application for Completeness & Technical Adequacy to Assess Compliance With Disposal Regulations (40 CFR 191) & Compliance Criteria (40 CFR 194)
  
- Issued 5 Letters to DOE Requesting Additional Information:
  - December 19, 1996 -- Completeness & Technical Issues
  - February 18, 1997 -- Data Records Request
  - March 19, 1997 -- Technical Issues
  - April 17, 1997 -- Clarification on BRAGFLO Parameters Identified in March 19th Letter
  - April 25, 1997 -- Clarification on Remaining Parameters Identified in March 19th Letter
  
- DOE has Incrementally Submitted Material in Response to those Requests

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*National Academy of Sciences WIPP Meeting  
May 15, 1997*



## **EPA WIPP CERTIFICATION APPLICATION REVIEW ACTIVITIES**

- ☛ **Held a 4-month Public Comment Period Which Ended on March 17, 1997**
  - ☞ **Received 40 Sets of Written Comments From Approximately 30 Individuals/Organizations**
- ☛ **Held a Series of Stakeholder Meetings in January, 1997 to Obtain Comment on DOE's Application**
- ☛ **Held a Series of Public Hearings in February, 1997**
  - ☞ **Approximately 185 Testimonies Given Over Three Days of Hearings**
- ☛ **Agency Will Be Accepting Comment on the Complete Application Prior to Proposal**

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## EPA SCHEDULE FOR WIPP CERTIFICATION DECISION

- ☛ Certification Decision Will Be Proposed 2½ months After DOE's Submits All the Information to Fulfill the Requests in the March 19, 1997 Letter — Sched. for July 11, 1997 or earlier

### *After Proposal:*

- ☛ Public Comment Period (to Include Public Hearings) 4 Months
- ☛ Final Rule is Estimated to be Complete 3½ Months After the Public Comment Period Closes

### Bottom Line

EPA Estimates A Final Certification Decision 10 Months After DOE Submits the Last Piece of Information to Fulfill the Requests in the March 19, 1997 Letter → May 1998

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