

Steve Z.



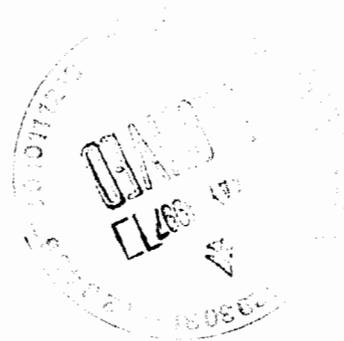
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF AIR AND RADIATION

May 19, 1997



WIPP MAILING LIST MEMBER

Attached, for your information, is a copy of a letter signed by Carol M. Browner, Administrator, U.S. Environmental Protection Agency (EPA) to Secretary Federico Peña, Secretary, U. S. Department of Energy (DOE) stating that DOE's Compliance Certification Application (CAA) for the Waste Isolation Pilot Plant (WIPP) is complete. This determination means that EPA has received the appropriate information from DOE to complete its technical evaluation of the application.

The completeness determination is an administrative step in EPA's certification process and does not imply in any way that the CCA demonstrates compliance with the Agency's disposal regulations or compliance criteria for the WIPP.

EPA will publish a proposed compliance certification decision and accept public comment before a final decision is made.

Attachment





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

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



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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)