



**NEW MEXICO
&
FEDERAL FACILITIES SECTION**

FAX COVER SHEET

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United States Environmental Protection Agency

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United States
Environmental Protection
Agency

Communications, Education,
And Public Affairs
(1703)



Environmental News

FOR RELEASE: WEDNESDAY, MAY 13, 1998

EPA ISSUES SAFETY CERTIFICATION OF DOE PLAN TO DISPOSE OF RADIOACTIVE WASTE IN NEW MEXICO

Dave Ryan 202-260-2981

The Environmental Protection Agency today issued a certification that the Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP) in Carlsbad, N.M. meets standards to protect public health and the environment from the harmful effects of radiation exposure and contamination. EPA's decision allows DOE to begin disposing radioactive waste in the WIPP once all other applicable health and safety standards have been met.

The WIPP is the nation's first deep underground facility for disposal of transuranic waste generated from defense activities. DOE is developing the WIPP in southeastern New Mexico, near Carlsbad, approximately 2,100 feet underground in excavated, natural salt formations. "Transuranic" is radioactive waste, which consists primarily of sludges, tools, rags, glassware, and protective clothing that is contaminated with radioactive elements from weapons production.

Congress authorized the development of the WIPP in 1979 for the safe, permanent disposal of defense-related radioactive waste. The United States houses 20 major and several other minor defense sites that are currently conducting cleanup activities as they dismantle nuclear weapons. Congress created the WIPP to be a significant step toward cleaning up the environment around these federal facilities. DOE and Congress chose Carlsbad as the disposal site. As required by the WIPP Land Withdrawal Act, as amended, EPA has responsibility for determining WIPP's ability to safely contain the radioactive waste.

Over the past five and a half years, EPA has held numerous public meetings and hearings, and consulted with scientific experts to discuss the safety of the WIPP. Over 800 people have provided comments to EPA during four separate sets of public hearings held in New Mexico. In making this decision EPA considered about 1,400 written and oral public comments received on the proposed rule.

To protect the safety of the people of New Mexico, EPA will conduct frequent audits and on-site inspections of the WIPP. In making its decision, EPA is requiring DOE to take additional steps to further assure public safety and environmental protection. In addition, under existing regulations, DOE must report to EPA any changes in activities or any releases of radioactive material at the WIPP that might violate EPA's safety requirements.

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EPA's final certification decision is subject to several conditions of compliance:

- DOE must seal WIPP waste storage panels with a strong concrete barrier that can help reduce potential releases in case of intrusion;
- Before WIPP receives any shipments of waste from a waste generator site, DOE must demonstrate to EPA that it can accurately assess or confirm the contents of waste containers stored or assembled at the site, and that it can properly implement its quality assurance programs (confirming that waste characterization activities are done properly) at the site; and
- DOE must submit a revised schedule showing that markers and other measures used to warn future generations about the location and contents of the disposal system will be implemented as soon as possible after closure of the WIPP.

Before the WIPP opens for waste disposal, DOE must notify Congress and wait for 30 days after EPA's final certification, as specified in the WIPP Land Withdrawal Act. EPA must separately inspect and approve the quality assurance programs for waste generator sites. EPA already inspected and approved the waste characterization and quality assurance for some of the waste at the Los Alamos National Laboratory as part of its certification decision. Before disposing of mixed (chemical and radioactive) waste at the WIPP, DOE must obtain a permit from the state of New Mexico to accept hazardous (chemical) waste. Until that time, WIPP is certified only to accept radioactive waste.

Other federal and state agencies have key oversight responsibilities at the WIPP:

The Department of Transportation is responsible for working with individual states to establish the surface routes that will be used to transport waste to the WIPP;

The Nuclear Regulatory Commission regulates the transportation of nuclear waste including the safety of the containers used to transport waste to the WIPP;

The New Mexico Environment Department is responsible for issuing and enforcing waste disposal permits relating to the disposal of transuranic mixed waste;

The New Mexico Radioactive Waste Task Force administers the State's WIPP Safe Transportation Program; and

The Department of Energy is responsible for the development and day-to-day management of the WIPP facility.

A copy of EPA's decision on the certification of WIPP will appear in the Federal Register soon and on EPA's World Wide Web site at: <http://www.epa.gov/radiation/wipp>. For further information about EPA's technical analysis and decision, contact Frank Marcinowski at 202-564-9290. The EPA WIPP Information Line is 800-331-WIPP.

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United States
Environmental Protection Agency

Air and Radiation
(6602J)

EPA 402-F-98-0002
May 1998



EPA's Final Certification Decision for the Waste Isolation Pilot Plant

What is WIPP?

The WIPP is the nation's first deep underground facility for disposing of transuranic waste generated from defense activities. DOE is developing the WIPP in southeastern New Mexico, near Carlsbad, approximately 2,100 feet underground in excavated, natural salt formations. Some transuranic waste to be disposed at the WIPP is in a form called "mixed waste." That means that it is material such as rags, clothing, glassware, sludges and equipment which has become contaminated by radioactive elements and hazardous chemicals. The waste that would be disposed of at the WIPP is currently stored at federal facilities across the United States. Most of the waste proposed for disposal at the WIPP will be generated during future cleanup of DOE's radioactive contaminated sites.

What is EPA's Final Decision on the WIPP's Safety?

EPA has determined that the WIPP can safely contain transuranic waste and that it will comply with the Agency's radioactive waste disposal standards. EPA's decision allows the DOE to begin disposing radioactive waste in the WIPP once all other applicable health and safety standards have been met.

Commonly Used Abbreviations:

DOE:	U.S. Department of Energy
EPA:	U.S. Environmental Protection Agency
LWA:	WIPP Land Withdrawal Act
LANL:	Los Alamos National Laboratory

What are EPA's Conditions of Compliance?

In making its decision, EPA is requiring DOE to take additional steps to further assure public safety and environmental protection. EPA's final certification decision is subject to four conditions of compliance:

- DOE must seal WIPP waste storage panels with a strong concrete barrier that can help reduce potential releases in case of intrusion.
- Before WIPP receives any shipments of waste from a waste generator site, DOE must demonstrate to EPA that it can accurately assess or confirm the contents of waste containers stored or assembled at the site.
- Before WIPP receives any shipments of waste from a waste generator site, DOE must demonstrate to EPA that it can implement its quality assurance programs (confirming that waste characterization activities are done properly) at the site.
- DOE must submit a revised schedule showing that markers and other measures (used to warn future generations about the location and contents of the disposal system) will be implemented as soon as possible after closure of the WIPP.

In addition, under existing regulations, DOE must report to EPA any changes in activities or any releases of radioactive material at the WIPP that might violate EPA's safety requirements.

How did EPA make its final decision?

EPA based its decision on a thorough review of information submitted by DOE, independent technical analyses, and public comments. The Agency compared DOE's compliance certification application and other relevant information, to EPA's compliance criteria for the WIPP. EPA performed independent testing of DOE's performance assessment calculations, which are used to demonstrate that the WIPP will comply with EPA's radioactive waste disposal regulations for 10,000 years. EPA also considered approximately 1400 written and oral comments on the proposed rule by the public.

What is EPA's role in regulating the WIPP?

EPA regulates the disposal of radioactive waste to protect public health and the environment from harmful radiation exposure and contamination. EPA's regulation of the WIPP facility is governed by the WIPP LWA, passed initially by Congress in 1992 and amended in 1996. The LWA requires EPA to certify whether the WIPP will comply with EPA's radioactive waste disposal regulations before waste disposal may begin.

What are EPA's other WIPP-related activities?

To certify whether the WIPP is safe to contain radioactive waste, the LWA required EPA to finalize radioactive waste disposal regulations which apply to all geologic repositories (except for Yucca Mountain) and to develop criteria to implement the disposal regulations specifically at WIPP. In December 1993, EPA issued final radioactive waste disposal regulations which limit radiation releases from facilities for disposal of radioactive waste. EPA issued final compliance criteria for the WIPP in February 1996. Both the radioactive waste disposal regulations and the compliance criteria reflect public comments and suggestions from the WIPP Review Committee of the National Advisory Council for Environmental Policy and Technology.

When will the WIPP open for waste disposal?

Before disposing of radioactive waste at the WIPP, DOE must

- Notify Congress and wait for 30 days after EPA's final certification, as specified in the WIPP LWA.
- EPA must separately inspect and approve the quality assurance programs for waste generator sites and the waste characterization controls to measure and track important waste components. This applies to all waste generator sites. EPA already inspected and approved the waste characterization and quality assurance for some of the waste at the Los Alamos National Laboratory (LANL) as part of its certification decision.
- Before disposing of mixed (chemical and radioactive) waste at the WIPP, DOE must obtain a permit from the State of New Mexico to accept hazardous (chemical) waste. Until that time, WIPP is certified only to accept radioactive waste.

What other agencies have key oversight responsibilities at the WIPP?

Department of Transportation (DOT) - DOT is responsible for working with individual states to establish the surface routes that will be used to transport waste to the WIPP.

Nuclear Regulatory Commission (NRC) - NRC implements EPA's and its own standards for protecting the public from radiation. It also regulates the transportation of nuclear waste.

New Mexico Environment Department (NMED) - NMED is responsible for issuing and enforcing RCRA permits relating to the disposal of transuranic mixed waste.

New Mexico Radioactive Waste Task Force - This Task Force administers the State's WIPP Safe Transportation Program.

Department of Energy (DOE) - DOE is responsible for the development and day-to-day management of the WIPP facility. For more information call DOE's WIPP Information Center at 1-800-336-WIPP.

How will EPA stay involved with WIPP?

- Throughout its operation of the WIPP, DOE must apply for recertification by EPA every five years.
- EPA must review recertification applications to determine whether the WIPP continues to comply with the disposal regulations. As part of its review, EPA will consider public comments.
- EPA may conduct inspections of activities at the WIPP and at other WIPP-related facilities (laboratories, waste generator sites, etc.) to verify continued compliance with EPA's radioactive waste disposal standards.

For More Information on EPA's WIPP Activities: Call EPA's WIPP Information Line at 1-800-331-WIPP or visit our Website at <http://www.epa.gov/radiation/wipp>.

United States
Environmental Protection
Agency

Air and Radiation
(6602J)

EPA 402-F-98-005
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EPA's Continuing Regulation of the Waste Isolation Pilot Plant



Now that EPA has certified the WIPP, what will EPA do?

EPA will continue to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. EPA will

Commonly Used Abbreviations:

DOE:	U.S. Department of Energy
EPA:	U.S. Environmental Protection Agency
LWA:	WIPP Land Withdrawal Act
WIPP:	Waste Isolation Pilot Plant
QA:	Quality Assurance

• **Review and Evaluate DOE Reports**

EPA will review new information from DOE to determine whether the certification should be modified, suspended or revoked. DOE is required by regulation to report changes in activities or in conditions that have the potential for any releases, however small. EPA may suspend WIPP certification at the Administrator's discretion, to quickly reverse or mitigate a potential danger to public health. Any decision to modify or revoke certification must be conducted by a rulemaking, including a public comment period.

• **Conduct Audits or Inspections at the Waste Generator Sites Before Allowing Waste Shipment**

Currently the waste destined for the WIPP is stored at waste sites across the United States. Before the waste can be transported to the WIPP, EPA requires that it be identified or "characterized." Additionally, DOE is required to have in place a system of controls to measure and track important waste components, and to apply quality assurance (QA) measures to its waste identification activities. EPA must separately approve the QA programs and the waste characterization controls for generator sites.

EPA will conduct audits or inspections at waste generator sites to determine if DOE is properly tracking the waste to ensure that it adheres to specified waste component limits. Notices announcing EPA audits or inspections to evaluate quality assurance and waste characterization programs at generator facilities will be published in the *Federal Register*. The public will have the opportunity to submit written comments on DOE's waste characterization and quality assurance program plans, and on other documentation placed in EPA's docket. EPA will use its inspection authority to confirm that DOE is fulfilling all of its commitments related to WIPP. If EPA finds that significant commitments are not being fulfilled (either through independent Agency inspections or required DOE reports), then EPA has the authority to shut down the facility.

EPA must confirm that the waste placed in the WIPP falls within waste limits assumed during the analysis of the performance of the WIPP. The waste limits are fixed and may only be changed through a modification to the certification. DOE would have to show that the WIPP complies with EPA's containment requirements before any new limits could be established.

Conduct Inspections at the WIPP

EPA may conduct inspections of activities at the WIPP and at other WIPP-related facilities (laboratories, waste generator sites, etc.) to verify continued compliance with EPA's radioactive waste disposal standards. EPA may conduct periodic inspections, both announced and unannounced, and also may inspect any relevant records kept by DOE. EPA will place inspection reports in its docket for public examination.

How long will EPA regulate the WIPP?

As specified in the LWA, EPA will continue to regulate the WIPP until it closes. EPA will conduct a recertification every five years until closure to determine whether the WIPP continues in compliance with EPA's radioactive waste disposal standards.

How can the public continue to participate in EPA's oversight of the WIPP?

As EPA reviews any information, including public input, relevant to WIPP's safety, this information will be placed in EPA's official docket in Washington, DC, and in additional dockets in Carlsbad, Santa Fe, and Albuquerque, NM.

For information on EPA's WIPP activities, call our WIPP Information Line at 1-800-331-WIPP or visit our Website at <http://www.epa.gov/radstation/wipp>.

EPA will consider public input as it makes subsequent decisions regarding recertification, approval of waste generator sites for shipment, and any decision to modify, suspend or revoke certification.