UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

March 8, 2023

OFFICE OF AIR AND RADIATION

Mr. Mark Bollinger
Acting Manager
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Dear Mr. Bollinger,

This letter is in response to the Department of Energy's (DOE) June 22, 2018, Planned Change Notice (PCN) notifying the U.S. Environmental Protection Agency (EPA) of a modification to the method used to track the volume of transuranic (TRU) waste destined for and emplaced in the Waste Isolation Pilot Plant (WIPP). This method is typically referred to as the volume-of-record (VOR). EPA has waited to finalize review of this PCN until the legal challenges to this action have been fully resolved, which now appears to be the case.

Based on the Agency's review, EPA finds that this updated calculation methodology should have limited effect on DOE's compliance with EPA's regulations, i.e., DOE's updated VOR calculation will not change the maximum allowable TRU waste material identified in the Land Withdrawal Act, it will not change EPA's release limits (§193.31), and it will not impact the characteristics of the TRU waste emplaced in the WIPP (§194.24(b)(1) and (b)(2)). In its technical review of the PCN, and more recently during its May 2022 inspection of the WIPP site, the Agency has verified that the WIPP Waste Data System accurately tracks TRU waste volume both through the modified VOR calculation ("Land Withdrawal Act (LWA) TRU waste volume") and the historical method ("TRU mixed waste volume"). EPA will continue to verify that DOE is correctly monitoring and reporting all waste inventory values relevant to facility performance through inspections performed under Section 21 of 40 CFR part 194.

This review is limited strictly to the updated VOR method of tracking TRU waste volume and does not authorize any modification to the current repository footprint that was reflected in the most recent compliance recertification application (CRA). Requests for such modifications must be submitted for Agency approval. If you have any questions, please contact Tom Peake (202-343-9765).

Sincerely,

Veal, Lee
Digitally signed by Veal, Lee
Date: 2023.03.08 16:43:37 -05'00'

Lee Ann B. Veal
Director
Radiation Protection Division
Office of Radiation and Indoor Air

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