OFFICE OF RADIATION AND INDOOR AIR
WASHINGTON, D.C. 20460

January 16, 2025

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

Subject: Performance Assessment Calculations Needed for 2026 Waste Isolation Pilot Plant Compliance Recertification Application (CRA-2026)

Dear Mr. Bollinger:

I am writing to provide additional clarity on the U.S. Environmental Protection Agency's expectations specific to performance assessments (PA) and the Volume of Record (VOR) usage in the PA for the upcoming Compliance Recertification Application (CRA-2026). As you know, the CRA-2026 is to be submitted no later than November 26, 2026.

Previously, the EPA transmitted to the U.S. Department of Energy (DOE) Carlsbad Field Office on April 20, 2021, a set of the agency's expectations for the DOE's planned change request for two new waste panels at WIPP.[1] The EPA is reviewing this planned change request and we have appreciated the DOE's response and its ongoing activities to address technical and regulatory issues.

The agency's expectations for the performance assessment supporting the CRA-2026 will differ from previous CRA PAs because of the DOE's adoption of the VOR approach to calculating waste volume. Because the VOR approach does not include interior void spaces in packaging as part of the waste volume, a given physical space cannot accommodate the same waste volume as assumed in previous CRAs. As a result, the VOR approach will expand the required area needed for waste emplacement and previous assumptions used in PA modeling for the CRA-2019 will need to be modified accordingly. That is, the VOR approach will require the DOE to address additional panels in the PA beyond the two new waste panels currently proposed in

[1] U.S. Environmental Protection Agency (EPA). 2021. Letter from Ms. Lee Ann B. Veal, Director, Radiation Protection Division, Environmental Protection Agency, to Mr. Reinhard Knerr, Manager, Carlsbad Field Office, U.S. Department of Energy. April 20, 2021.

order to evaluate a repository containing the WIPP Land Withdrawal Act radioactivity volume limit, as has been the practice in previous CRAs.

To support the agency's CRA-2026 evaluation, the DOE must submit a PA that reflects the number of panels that have been approved; this will be the primary basis for our recertification decision. In addition, as required by 40 CFR 194.24(c)(1), the DOE will need to provide a supplemental calculation that considers the total inventory of waste proposed for disposal in WIPP, such as through a calculation similar to one performed for and informed by analyses supporting the 2024 Replacement Panels Planned Change Request. Further, the EPA notes that its recertification decision for CRA-2026 will not be an approval on any panels beyond what the EPA has already approved.

Our staff are available for further discussions as needed. If you have questions or need more information, please contact me or Tom Peake at (202) 343-9765.

Sincerely,

Lee Veal Digitally signed by Lee Veal Date: 2025.01.16 16:43:52 -05'00'

Lee Ann B. Veal
Director
Radiation Protection Division

cc: Tom Peake, EPA
Dan Schultheisz, EPA
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