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

OFFICE OF
AIR AND RADIATION

MAR 7 2008

Dave Moody, Ph.D., Manager
Carlsbad Field Office
P.O. Box 3090
Carlsbad, NM 88221

Dear Dr. Moody:

This letter is in response to your request (Docket A-98-49, Item II-B2-67) for an indefinite extension in the testing of passive institutional controls (PICs) for the Waste Isolation Pilot Plant (WIPP). Previously, EPA and DOE had agreed upon the PICs testing schedule and planned activities outlined in the Department's May 16, 2002, Planned Change Request and EPA's subsequent approval on November 7, 2002 (Docket A-98-49, Item II-B3-41).

Specifically, you requested a delay for all PICs activities until approximately ten years prior to the decommissioning of the WIPP facility (currently scheduled for 2033). EPA is very much in favor of DOE's use of the latest in design and material technologies in proposing the best available PICs. However, we believe delays in the start of these activities, without periodic progress, are of concern if the WIPP facility were to close before the anticipated 2033 date.

EPA believes that a reasonable extension in the schedule is warranted, as long as it is based on current projections and activities and not on uncertain closure dates. Therefore, the Agency has revised the November 2002 schedule (attached as Table 1) to provide DOE more time to seek out the most viable PICs options, and to ensure that testing and research is being performed on a regular basis. It is the Agency's expectation that DOE will annually conduct and report on the progress of relevant activities (see the attached table) that would be applicable to the development of passive institutional controls.

If you have any questions or comments regarding this issue, please do not hesitate to contact me or Tom Peake (202-343-9765).

Sincerely,

Juan Reyes, Director
Radiation Protection Division

cc: Electronic Distribution
Russ Patterson, DOE/CBFO
Dave Kessel, SNL
Ned Elkins, LANL
Nick Stone, EPA Region 6
EPA Docket

bcc: WIPP Team

Table 1: Approved Schedule Changes for PICs Testing

Activity	Original Time Frame	November 2002 Time Frame	New (December 2007) Time Frame
Identification of suitable source material	1999-2004	2007	2014 (projected CRA-III submission), but with an annual progress report
Submit plans for test marker system to EPA	2003	2007	2016, but with an annual progress report
Construction of berm and begin testing of berm and markers	2004-2009	2008	2018
Monitor performance of test berm and test markers	2007-2083	2009-closure	2019-closure
Develop final design of markers	2083-2090	2033 (anticipated)	2033 (anticipated)
Finalize messages	n/a	2033 (anticipated)	2033 (anticipated)

Source: Department of Energy, Proposed Change Request, May 16, 2002