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

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