



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
December 16, 2002

 ENTERED

Frank Marcinowski
Office of Radiation and Indoor Air
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (6608-J)
Washington, DC 20460

2002

Dear Mr. Marcinowski:

The U.S. Department of Energy (DOE) Carlsbad Field Office (CBFO) is providing the U.S. Environmental Protection Agency (EPA) Office of Radiation and Indoor Air (ORIA) a notice of proposed change (Notification), as required by 40 CFR §194.4(b)(3), to receive and dispose of remote-handled (RH) transuranic (TRU) waste. This Notification has been written in accordance with the guidance provided by EPA in *Guidance to the U.S. Department of Energy on Preparation for Recertification of the Waste Isolation Pilot Plant with 40 CFR Parts 191 and 194*. The information we are providing with this letter describes characterization activities proposed to meet requirements under the 40 CFR Parts 191 and 194 regulations and the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act (LWA).

The DOE understands that the EPA will continue to audit and approve all waste shipments to WIPP, including those for RH TRU waste, on a waste-stream basis, as provided by the process defined in 40 CFR Section 194.8. We propose no deviation from the existing 194.8 audit-and-approval process for RH TRU waste.

In response to comments submitted by you in a letter dated September 24, 2002, regarding our Draft Notification of Planned Change for RH TRU Waste, we have revised the Notification. Please find attached a comment resolution matrix illustrating the document changes that we have implemented as a result of your comments. This matrix provides a crosswalk between the comments and the proposed resolution of those comments in the Notification.

A summary of the changes we have made to the Notification, as a result of your comments include:

- *Justification for Departures from the Contact-Handled (CH) TRU Program.* The EPA requested that the DOE provide specific justification for any departures in the RH TRU waste characterization program from the CH TRU program. The DOE has revised the Notification to include two new pieces of information. The first (Supplement A) includes an estimate of potential exposure to workers due to RH TRU waste characterization activities being conducted in a manner identical to CH TRU waste characterization activities. The second (Supplement B) describes the technical capabilities of radiography and nondestructive assay (NDA) for use on characterizing RH TRU waste.



- *Organization of the Proposal.* The EPA requested that the DOE provide a clear distinction between (1) explanatory information to assist EPA's decision making and (2) the complete set of requirements that will be given to the sites that will characterize the RH TRU waste. In response to this comment the DOE has split the Notification into two volumes. Volume 1 contains the explanatory information. Volume 2 provides the set of requirements that will be given to the sites.
- *Qualification of Acceptable Knowledge.* The EPA requested that the DOE clarify the methods that would be used to qualify AK information. The DOE has provided detailed information regarding the qualification of AK information in Volume 2 and has provided summary information in Volume 1.

Also attached to this letter is a CH/RH Regulatory Crosswalk. This document details the statutory and regulatory requirements, the CH TRU and RH TRU waste characterization programs, and explains the differences.

Should you require further information, please contact Clayton Gist at (505) 234-7407.

Sincerely,



Dr. Inès R. Triay
Manager

Enclosures

cc: w/o enclosures

E. K. Forinash, EPA

R. Joglekar, EPA

C. Byrum, EPA

~~X~~ Stone, EPA

✓ S. Zappe, NMED

J. Bearzi, NMED

M. Silva, EEG

L. Smith, EM-23

K. Watson, CBFO

C. Gist, CBFO