



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



April 8, 2003

OFFICE OF
AIR AND RADIATION

Dr. Inés R. Triay, Manager
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221



Dear Dr. Triay:

I am writing as a follow-up to my letter of February 11, 2003, in which the U.S. Environmental Protection Agency (EPA) approved---subject to certain conditions---the disposal of classified transuranic (TRU) waste in the Waste Isolation Pilot Plant (WIPP). Since that time, you have provided additional information related to the disposal of classified waste in the WIPP, particularly from the Rocky Flats Environmental Technology Site (RFETS):

- Letter of February 13, 2003, providing the estimated number of drums of classified waste expected to be shipped from RFETS and copies of procedures modified to include special provisions for characterizing the waste,
- Letter of March 7, 2003, providing the schedules for closure of Panel 1 and for beginning waste emplacement in Panel 2, and
- Memorandum dated March 12, 2003, approving shipment of classified waste from RFETS.

Based on the information provided in these documents, we find that the Department of Energy (DOE) has met the conditions, as described in our February 11 letter, to dispose of classified waste from RFETS that has been confirmed to be similar to waste already approved for disposal.

In our approval for classified waste, we stated that "For RFETS only, and because this is our first opportunity to observe and confirm the characterization of classified waste, DOE is not authorized to close Panel 1 until EPA issues its inspection results [from RFETS]." This restriction was based on the expectation that classified waste from RFETS might be emplaced in Panel 1. The EPA conducted an inspection of RFETS during the week of March 3, 2003, and expects to issue the results shortly. However, based on the additional information provided by DOE, we note that classified waste from RFETS would not be placed in panel 1, since its

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shipment was not authorized by the Carlsbad Field Office until "on or after March 13," the day after panel 1 was scheduled to be closed. Therefore, we wish to clarify the restriction stated in our letter of February 11, 2003. The Department is authorized to close Panel 1; however, Panel 2 (containing initial shipments of classified waste from RFETS) shall not be closed until EPA issues the results of its inspection at RFETS to confirm that the classified waste debris is analogous to RFETS waste already characterized and approved for disposal at the WIPP.

Sincerely,



Frank Marcinowski, Director
Radiation Protection Division

cc: Steve Zappe