



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
August 12, 2021

Ms. Lee Ann B. Veal, Director
Radiation Protection Division
Office of Radiation and Indoor Air
U.S. Environmental Protection Agency
William Jefferson Clinton Building, West
1301 Constitution Ave NW, Mail Code 6608T
Washington, DC 20004

Subject: Response to Environmental Protection Agency's Letter dated April 20, 2021

Reference: EPA letter from Lee Ann B. Veal, Director, Radiation Protection Division, EPA, to Mr. Reinhard Knerr, Manager, Carlsbad Field Office, dated April 20, 2021

Dear Ms. Veal:

The U.S. Department of Energy (DOE) has reviewed the April 20, 2021 letter and understands the Environmental Protection Agency (EPA) position. The information contained in the EPA letter will be helpful as we plan the future of the Waste Isolation Pilot Plant (WIPP) facility. Further, the DOE agrees, to the best of its ability, to submit for EPA review information that represents the anticipated state of the repository at the time of closure.

The DOE prepared a National Environmental Protection Act (NEPA) Supplement Analysis to describe the agency's decision to excavate and use two panels (Panels 11 and 12) to replace lost capacity in the underground. As such, the DOE plans to submit a Planned Change Request (PCR) to the EPA regarding these two replacement panels. In addition, the DOE will use the most recent Annual Transuranic Waste Inventory Report (ATWIR) estimates in the PCR, as it reflects the latest volume estimates likely eligible for disposal at WIPP. These replacement panels are required for DOE to implement uninterrupted transuranic (TRU) waste disposal operations in order to support TRU waste generator site compliance agreements and national TRU waste cleanup goals. However, based on the request by the EPA and the fact that the two replacement panels will not be of sufficient capacity to hold the full volume of waste as authorized in the Land Withdrawal Act, DOE agrees to provide an analysis of several additional panels to support an assumption that the repository is filled to the authorized total TRU waste volume capacity limit for the PCR submittal and subsequent CRA-2024. As we have previously discussed and as stated above, DOE has not made a decision for panels beyond the two replacement panels.

The DOE recognizes that the actions previously identified during the 2017 recertification regarding actinide solubility and salt creep closure of open areas still need to be addressed. The DOE plans to work with the EPA to resolve any technical disagreements and to address these items in support of CRA-2024, as appropriate. The DOE recognizes that this will be a challenge, given the ongoing peer reviews and cut-off timeframes for CRA-2024.

Further, DOE agrees to continue working with the EPA to identify and collect additional site characterization data that may be needed for regulatory compliance.

I look forward to future cooperative interactions with you on the EPA focus related to the long-term performance of the WIPP disposal system. If you have any questions, please contact me at (575) 234-7300, or Michael R. Brown at (575) 706-0072.

Sincerely,

Reinhard
M. Knerr

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Reinhard M. Knerr
Date: 2021.08.12
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Reinhard Knerr
Manager
Carlsbad Field Office

cc:

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*ED denotes electronic distribution