



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

OCT 2006

THE ADMINISTRATOR

The Honorable Samuel W. Bodman  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Secretary Bodman

Pursuant to Section 9(a)(3) of the Waste Isolation Pilot Plant Land Withdrawal Act, as amended, Public Law No. 102-579, the U.S. Environmental Protection Agency has determined that for the period April 1, 2002, to March 31, 2004, the WIPP was operated in compliance with applicable federal statutes, regulations, and permit requirements designated in Section 9(a)(1) of the LWA. This determination is not directly related to, nor is it a part of, EPA's certification decision regarding whether the WIPP complies with the disposal standards for transuranic radioactive waste (40 CFR Part 191).

This determination is based on EPA's evaluation of the documentation submitted by the U.S. Department of Energy for the period April 1, 2002, to March 31, 2004. Based on this information, we have concluded that the facility is in compliance with 40 CFR Part 191, Subpart A, the Clean Air Act, the Safe Drinking Water Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and all other applicable federal laws pertaining to public health and safety or the environment, as required by Section 9(a)(1)(G) of the LWA.

Thank you for your efforts to demonstrate WIPP's compliance with applicable federal laws. We will continue to work cooperatively with DOE, the State of New Mexico, and the public to ensure that the WIPP is protective of human health and the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "S. L. Johnson".

Stephen L. Johnson