



# Proposed Changes to EPA's Compliance Criteria for the Recertification of the Waste Isolation Pilot Plant

**A**s part of EPA's ongoing regulatory role at the WIPP, we are undertaking activities to improve and update the requirements we use to determine WIPP's safety. This fact sheet provides an overview of the proposed changes and identifies opportunities for public input.

## **What are the WIPP Compliance Criteria?**

- ◆ In February 1996, EPA issued the final Compliance Criteria for the WIPP (40 CFR Part 194). We use these criteria to determine whether the WIPP complies with our radioactive waste disposal regulations.
- ◆ In May 1998, EPA certified that the WIPP met our WIPP disposal regulations and could safely contain TRU waste. This decision was based on our independent technical evaluation of DOE's plans for the WIPP and on public input.
- ◆ The Compliance Criteria establish the requirements for the format and content of the compliance application. The Compliance Criteria also establish requirements for, among many other activities:
  - reporting changes at WIPP to EPA;
  - inspecting waste generating sites; and
  - predicting the performance of WIPP using computer modeling.

These criteria continue to guide EPA's ongoing regulatory role at WIPP—including site inspections and for the recertification decision in 2004. Our Compliance Criteria and radioactive waste disposal regulations are posted to our WIPP web site.

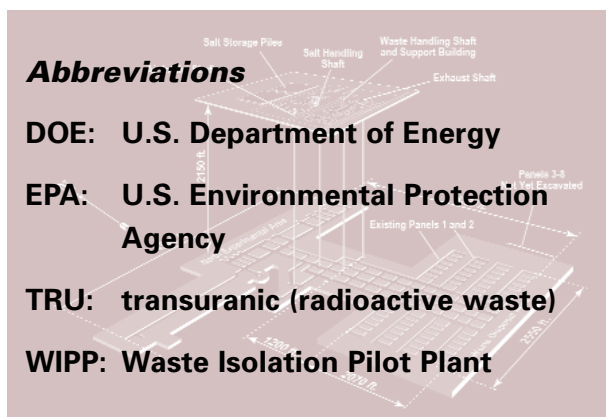
## **Why is EPA Proposing Changes to the WIPP Compliance Criteria?**

Our WIPP Compliance Criteria were based on the knowledge available to us at the time they were finalized in 1996. Since our initial certification, EPA has conducted many independent technical reviews and inspections of WIPP and DOE's TRU waste facilities around the United States to verify compliance with our WIPP disposal regulations. Based on this experience, we have determined that the processes dealing with inspections for the approval of TRU waste facilities in our Compliance Criteria should be updated. We want to apply this experience to improve our regulation of the WIPP.

## **What Portions of the Compliance Criteria will be Changed?**

EPA is proposing the following changes:

- ◆ Change the waste characterization program approval process to add flexibility and to focus our oversight efforts where they will be most effective. The change will enable EPA to issue a single approval of each site's program, followed by ongoing EPA inspections and reporting of important changes by DOE.
- ◆ Change the focus of our public comment process to highlight EPA's proposed decisions on site waste characterization programs instead of focusing on plans and procedures prepared by DOE.
- ◆ Add a streamlined process to address minor changes to the Compliance Criteria.



## Regulatory Dockets Locations

These dockets contain the information used by EPA in carrying out its WIPP rule-making responsibilities.

US EPA Air Docket  
Waterside Mall Room M1500  
401 M St. SW  
Washington, DC 20460  
(202) 260-7548  
*(all dockets)*

Carlsbad Public Library  
101 S. Halagueno  
Carlsbad, NM 88220  
(505) 885-6776  
*(all dockets)*

Zimmerman Library  
Government Publications  
University of New Mexico  
Albuquerque, NM 87131  
(505) 277-5441  
*(all dockets)*

Fogelson Library  
College of Santa Fe  
1600 St. Michaels Drive  
Santa Fe, NM 87505  
(505) 473-6576  
*(Docket A-93-02 only; EPA's WIPP Certification Decision)*

New Mexico State Library  
1209 Camino Carlos Rey  
Santa Fe, NM 87505  
(505) 476-9717  
*(Docket A-98-49 only; EPA's WIPP Recertification Decision)*

◆ Allow for the non-paper submission (such as a compact disc) of compliance applications and reference materials to facilitate review by EPA and the public.

◆ Replace the term "process knowledge" with "acceptable knowledge."

These proposed changes will have no effect on the technical approach we use during our independent inspections to evaluate a site's waste characterization capabilities. They also will not lessen the requirements the site must meet to demonstrate compliance with our Compliance Criteria. These provisions will add flexibility and clarify minor portions of the rule while continuing to be protective of public health and the environment.

## How Can the Public be Involved?

The process EPA will follow is:

◆ Issue a notice of the proposed changes in the *Federal Register*—**Spring 2002**. This notice will also be posted on our WIPP Web Page at: [www.epa.gov/radiation/wipp](http://www.epa.gov/radiation/wipp) and announced on our WIPP Information Line at 1-800-331-WIPP.

◆ Open a 120-day public comment period on the proposed changes—**Summer 2002**

◆ Hold public hearings in New Mexico on the proposed changes—**Summer 2002**

◆ Publish final changes in the *Federal Register*—**Fall 2002**

EPA invites the public to review the proposed changes to the Compliance Criteria and submit comments to EPA during the 120-day comment

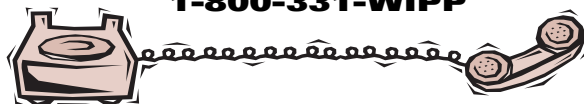
period. Dates for the public comment period will be announced on our WIPP Web Site and WIPP Information Line. We will hold public hearings in New Mexico to receive additional input from the public. All relevant information received from the public within the 120-day comment period will be considered before we make our final decision. When we publish our final decision, we will also develop a "Response to Comments" document and other documents that will be posted to our WIPP Web Site.

## What is EPA's Role in Regulating the WIPP?

The WIPP Land Withdrawal Act gave EPA regulatory authority over many of DOE's WIPP-related activities for the operational lifetime of the facility, approximately 35 years. The first waste for disposal was received at WIPP in March 1999. EPA must recertify WIPP's continued compliance every five years; the first recertification decision will occur in 2004.

The WIPP is the nation's first geologic facility designed for permanent disposal of TRU radioactive waste that was generated as a result of U.S. defense activities. The majority of TRU waste consists of clothing, rags, glassware, sludges, and equipment that were contaminated with americium, plutonium and other radioactive elements. The WIPP is located 2,100 feet underground in natural salt formations outside Carlsbad, New Mexico. TRU waste is currently stored at 23 locations nationwide. Over its 35-year operational period, WIPP is expected to receive about 37,000 shipments of waste.

**For Further Information on EPA's WIPP Activities**  
Please Call the WIPP Information Line  
**1-800-331-WIPP**



or visit our website at:

**<http://www.epa.gov/radiation/wipp>**