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Prepped by Charmelle Mathews

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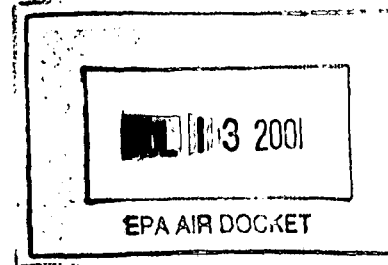
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

JUL 9 2001



Dr. Inés Triay, Manager
Carlsbad Field Office
P.O. Box 3090
Carlsbad, NM 88220

Dear Dr. Triay:

The U.S. Environmental Protection Agency (EPA) recently learned that approximately 800 drums that were not properly certified have been disposed of in the Waste Isolation Pilot Plant (WIPP) or are located at the WIPP's surface facility. These drums were shipped to the WIPP by the Idaho National Engineering and Environmental Laboratory (INEEL). INEEL characterized the drums using the Waste Assay Gamma Spectrometer (WAGS) System, which had not been evaluated and approved by the U.S. Department of Energy's Carlsbad Field Office (CBFO) or by EPA in accordance with the requirements of 40 CFR 194, Sections 8(b) and 24(c).

As a precaution, on June 27, we instructed CBFO to suspend all waste shipments from INEEL, and to suspend emplacement of INEEL waste in the WIPP, until EPA could conduct a preliminary inspection of the equipment in question. We conducted this inspection on July 2 and 3. The purpose of this inspection was to verify which waste containers had been characterized by the unapproved equipment.

I appreciate the cooperative efforts made by CBFO and INEEL to prepare for the inspection, particularly during the holiday period. Because of your cooperation with my staff, we were able to quickly obtain the information necessary to identify affected drums and establish that those drums pose no immediate risk to the public or the environment. Our preliminary conclusion is that INEEL is taking proper actions to identify the root cause of the nonconformance and to prevent its recurrence at INEEL and other waste generator sites.


Therefore, CBFO may allow waste that was characterized by the WAGS system to remain in the underground mine for the present. This decision is conditional upon the WAGS system's satisfactory assessment during a formal inspection by EPA, conducted in accordance with 40 CFR 194.8, to thoroughly evaluate the technical adequacy of the WAGS system.

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Waste from INEEL that is located at the WIPP surface facility may be placed in the mine if it was characterized using processes previously approved by EPA; otherwise, it should be held on the surface until we issue our determination on the WAGS system. CBFO may allow INEEL to resume shipment and disposal of approved waste streams that were characterized using EPA-approved equipment. Shipment and disposal of waste characterized by the unapproved system (WAGS) may not resume until EPA has formally inspected the system and issued a decision about its adequacy. As you know, this process will include a 30-day period for public comment, followed by a determination from EPA. We will seek to resolve the status of the WAGS system as expeditiously as possible.

We will issue a report on the findings of our July 2-3 inspection shortly, and will return to INEEL in the near future to conduct a detailed inspection of the WAGs system. If you have any questions, please contact Frank Marcinowski at (202) 564-9290.

Sincerely,



Stephen D. Page, Director
Office of Radiation and Indoor Air

cc: Lynne Smith, DOE HQ
Steve Zappe, NMED
Matthew Silva, EEG