



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

APR 4 2016

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Ms. Theresa J. Kliczewski  
GTCC EIS Document Manager  
U.S. Department of Energy  
Office of Disposition Planning & Policy (EM-32)  
1000 Independence Avenue, SW  
Washington, DC 20585-0119

Dear Ms. Kliczewski:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Department of Energy's Final Environmental Impact Statement (EIS) for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste (LLRW) and GTCC-Like Waste (CEQ 20160049).

GTCC LLRW is radioactive waste that is generated by the Nuclear Regulatory Commission (NRC) or Agreement States licensees containing radionuclide concentrations in excess of the limits for Class C LLRW as identified in NRC regulations 10 CFR 61.55. For the purposes of this EIS, GTCC-like waste is DOE owned or generated LLRW and non-defense-generated transuranic radioactive waste that have characteristics similar to those of GTCC LLRW and for which there may not be a path for disposal. The Low-Level Radioactive Waste Policy Act of 1985 (amending the original 1980 Act) assigned the responsibility for the disposal of GTCC LLRW to the Federal Government; the Energy Policy Act of 2005 further assigned this responsibility to the Department of Energy (DOE).

DOE is proposing to construct and operate a new facility or facilities, or use an existing facility for the disposal of GTCC LLRW and DOE GTCC-like waste. The EIS analyzes impacts that would be associated with the construction, operation, and long-term management of a facility for the disposal of this waste. The preferred alternative is the Waste Isolation Pilot Plant (WIPP) geologic repository in New Mexico and/or land disposal methods at generic commercial facilities. The land disposal methods include an intermediate-depth borehole, an enhanced near-surface trench, and an above-grade vault.

Following the issuance of the Final GTCC EIS and in accordance with the Energy Policy Act of 2005, DOE will submit a Report to Congress on GTCC and await Congressional Action. The Report to Congress must include all GTCC disposal alternatives under consideration.

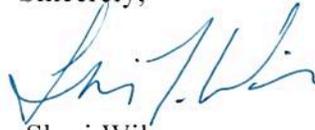
Once Congressional Action has occurred, DOE may then issue a Record of Decision (ROD) in the Federal Register and implement the disposal alternative(s). The FEIS acknowledges that once a site has been identified, more in-depth, site-specific, follow-on studies and appropriate NEPA reviews would be needed to ensure proper land use planning, assure protection of local ecological and cultural resources, and account for local variations in hydrology and geology to minimize potential waste migration.

EPA worked closely with DOE as a cooperating agency, and DOE also adequately addressed EPA's comments on the Draft EIS.

We note the FEIS briefly refers to an incident which included a radiation release that took place in the WIPP's underground disposal area in February 2014. EPA recommends including additional information and references to actual impacts from this incident in the Congressional Report and ROD. This information would be comparable to the discussion of impacts included in the WIPP's Human Health, Accidents section of the EIS (Section 4.3.4.2).

We appreciate the opportunity to review and comment on this document. If you have any further questions you may contact me at (202) 564-5400. You may also call my staff point of contact, Marthea Rountree. She can be reached at (202) 564-7141.

Sincerely,



Shari Wilson  
Acting Director,  
Office of Federal Activities