



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

December 14, 2022

Reinhard Knerr, Manager  
Carlsbad Field Office  
U.S. Department of Energy  
P.O. Box 3090  
Carlsbad, NM 88221

SUBJECT: REVIEW OF 2022 WASTE ISOLATION PILOT PLANT BIENNIAL  
ENVIRONMENTAL COMPLIANCE REPORT

Dear Reinhard Knerr:

I am responding to your letter dated October 28, 2022, that transmitted the U.S. Department of Energy (DOE) report entitled, "Waste Isolation Pilot Plant Biennial Environmental Compliance Report." As stated in your letter, DOE is periodically required to submit to the U.S. Environmental Protection Agency (EPA) and the State of New Mexico documentation of continued compliance with applicable Federal laws pertaining to the public health and the environment. The Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act requires DOE to use packages certified by the U.S. Nuclear Regulatory Commission (NRC) for the transportation of transuranic (TRU) waste to WIPP for disposal.

The report discusses compliance with the applicable laws administered by the NRC from April 1, 2020, to March 31, 2022. While the NRC does not have regulatory authority over DOE or WIPP, the NRC regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71 promulgated under the authority of the Atomic Energy Act of 1954, as amended, do apply to packages designed and utilized for shipments of TRU waste. In addition to pertaining to the certification of packages, these regulations also set the criteria and requirements for quality assurance programs as applied to transportation packages.

The NRC has certified the design of five packages for DOE's use in transporting transuranic waste to WIPP. Certificate of Compliance No. 9218 was issued to DOE on August 30, 1989, for the Model No. TRUPACT-II. The NRC approved several amendments to the certificate, most recently Revision No. 27, issued on November 21, 2022. The certificate has an expiration date of September 30, 2024. On March 3, 2000, NRC certified the design for DOE's transport package for remote-handled transuranic waste, Certificate of Compliance No. 9212, for the Model No. RH-TRU 72-B. The NRC has approved several amendments to the certificate, most recently on December 2, 2019. The certificate has an expiration date of January 31, 2025. On November 2, 2000, NRC certified a third package design for transuranic waste, Certificate of Compliance No. 9279, for the Model No. HalfPACT Waste Shipping Container. The most recent amendment to this certificate was issued on November 21, 2022, and the certificate's expiration date is April 30, 2023. On June 1, 2010, NRC certified a fourth package design for transuranic waste, Certificate of Compliance No. 9305, for the Model No. TRUPACT-III package. The most recent amendment to this certificate was issued on June 24, 2020, and the certificate's expiration date is July 31, 2025. Certificate of Compliance No. 9204, for the Model No. CNS 10-160B has also been authorized for shipment of certain transuranic wastes. Revision No. 23 for this certificate was issued by the NRC on February 11, 2020, to EnergySolutions and has an expiration date of October 31, 2025.

We conducted one quality assurance inspection for Certificate of Compliance No. 9204, on November 3, 2020. From this inspection, we determined that the quality assurance program was satisfactorily implemented and that the quality assurance requirements of 10 CFR Part 71 had been met.

In light of the WIPP Land Withdrawal Act, we reviewed our records and relevant portions of Chapter 14.0 of the WIPP compliance report. Based on our records and review, we consider DOE to be in compliance with the WIPP Land Withdrawal Act as evaluated against applicable sections of 10 CFR Part 71, promulgated under the authority of the Atomic Energy Act.

If you have any questions, please contact me or Chris Allen of my staff at (301) 415-6877.

Sincerely,



Safford, Carrie signing on behalf  
of Helton, Shana  
on 12/14/22

Shana R. Helton, Director  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos: 71-9204, 71-9212  
71-9218, 71-9279  
71-9305

cc: Nick Stone, EPA Region 6