



VIRGINIA POWER

April 28, 1995

Attn: Docket No. A-92-56, Air Docket  
Room M-1500 (LE-131)  
U.S. Environmental Protection Agency  
401 M Street SW.  
Washington, D.C. 20460

Serial No. GL 95-004  
NL&P/EJW

Gentlemen:

**COMMENTS ON PROPOSED RULE  
CRITERIA FOR THE CERTIFICATION AND DETERMINATION  
OF THE WASTE ISOLATION PILOT PLANT'S COMPLIANCE WITH  
ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND  
DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND  
TRANSURANIC RADIOACTIVE WASTES**

In the January 30, 1995 Federal Register (page 5766), the U. S. Environmental Protection Agency (EPA) solicited comments concerning a proposed rule change to 40 CFR Part 194. The proposed rule establishes criteria for certifying and determining whether the Department of Energy's Waste Isolation Pilot Plant (WIPP) complies with disposal standards set forth in 40 CFR Part 191 (Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes). Based upon our review, the following comments and concerns with the EPA's proposed rule are hereby submitted:

- The proposed 40 CFR Part 194.23(a)(2) requires any application for certification of compliance to include a complete listing of conceptual models considered but not used to support such application, a description of such models, and an explanation of the reasons why such models were not used to support such application. The discussion in 60 FR 5771 states that this requirement is proposed in order to assist the EPA's determination of whether the conceptual models used to support a compliance certification application offer the best representation of the disposal system or whether other theories may be more or equally appropriate.

The application for certification of compliance has already included a complete listing and description of the models used to support such application. All relative information (models, computer codes, observed and measured data, etc.) demonstrating compliance are stipulated in the proposed 40 CFR Part 194.23(a)(3). Therefore, the proposed 40 CFR Part 194.23(a)(2) creates an extra burden and unnecessary documentation for the applicant to follow.

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- The proposed 40 CFR Part 194.24(c)(1) requires any application for certification to identify and describe the methods used to determine waste characteristics and the uncertainty associated with such methods. In the discussion about characterization of wastes for the WIPP, the EPA identifies a variety of methods which may be used including sampling and analysis, radioassay, and examination of waste generation documentation and associated records (60 FR 5772). The proposed rule would then subject the characterization and the process used to obtain it to EPA's scrutiny.

Guidance should be provided, either in the regulation or in a separate publication, describing those categorization methods which are acceptable and which are not acceptable to EPA and the bases for acceptance or rejection of such methods. Additionally, if calculation methods are used for waste characterization analysis, guidance should be provided for any assumptions, model parameters, and data ranges which are acceptable to the EPA.

We appreciate the opportunity to comment on the Federal Register Notice. If you have any questions, please contact us.

Very truly yours,



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cc: U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
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Docket Nos. 50-280, 50-281, 50-338, and 50-339  
License Nos. DPR-32, DPR-37, NPF-4, and NPF-7

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