



WASTE TECHNOLOGY SERVICES DIVISION
WIPP PROJECT

WD:86:01428

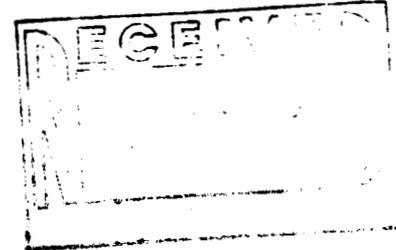
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June 12, 1986



Dr. Richard A. Crawley, Acting Branch Chief
Technology Development Branch
WIPP Project Office
U. S. Department of Energy
P. O. Box 3090
Carlsbad, NM 88221

Subject: Position Statement - Timing of Compliance with 40 CFR 191

Dear Dr. Crawley

The attached position statement is transmitted to you in light of increased concerns relative to specific WIPP milestones and the timing of compliance evaluations required by 40 CFR 191. It should be noted that recent statements made by the EEG (R. Neill to W. R. Cooper, April 18, 1986) indicate that the state is aligned with this position in general.

In the EEG letter, the State recognizes the connection between the decision to retrieve and compliance with 40 CFR 191, the main thrust of that letter (para. 3, lines 6-8). Furthermore, the State acknowledges that compliance is tied to using up-to-date information, e.g. hydrologic data scheduled to be available in early 1988. Further, under the heading of Schedule, the EEG acknowledges the retrieval option as needed until performance assessment is complete and the capability of the plugs and seals has been demonstrated both expected to be completed in 1991.

The above statements indicate that the State's expectation is that compliance with 40 CFR 191 is not required until a decision not to retrieve has been made. This is the same position taken in an earlier EPA statement that the standard (40 CFR 191) would apply to WIPP only if it is determined to be a permanent disposal facility, rather than a test facility (R. G. Romatowski to Governor Tony Anaya, June 30, 1983).

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Should you have any questions concerning the position described in the attached statement please contact myself or Bob Eastmond of my staff.

Sincerely,



R. M. Coleman
Manager, Safety Evaluation Programs

Enclosures

cc: A. Hunt (DOE/WPO)
R. Rigney (Westinghouse)
R. McKinney
R. Kehrman

EA:86:0340