of 40 CFR part 191. The Agency plans to issue guidance addressing implementation of subpart A at a later date.

The Agency also wishes to make clear that today's proposal does not address compliance with all of the requirements of the WIPP LWA. Rather, today's proposal is limited to those requirements of the WIPP LWA which pertain to the WIPP's compliance with the disposal standards in 40 CFR part 191. For example, today's proposal does not address the WIPP's compliance with EPA regulations developed pursuant to the Resource Conservation and Recovery Act (RCRA) or any other environmental laws or regulations. EPA intends to address compliance with the balance of these additional laws and regulations through compliance plans being developed by EPA's Region VI. For more information regarding the Region's activities, please write to EPA Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733; Attn: Chuck Byrum.

EPA has prepared a document entitled "Implementation Strategy for the Waste Isolation Pilot Plant Land Withdrawal Act of 1992" (EPA 402–R–93–002, March 1993) which explains in more detail the Agency's roles and responsibilities under the WIPP LWA. For more information concerning the Implementation Strategy Document, please write to the Policy and Public Information Section, Office of Radiation and Indoor Air, U.S. EPA, Mail Code 6602J, 401 M St., S.W., Washington, D.C. 20460 or call the EPA WIPP Information Line at 1–800–331–WIPP.

## **Additional Docket Information**

The Agency is currently maintaining the following public information dockets: (1) Docket No. A-92-56, located in room 1500 (first floor in Waterside Mall near the Washington Information Center), U.S. Environmental Protection Agency, 401 M Street, S.W. Washington, D.C. 20460 (open from 8:00 a.m. to 4:00 p.m. on weekdays); (2) EPA's docket in the Government Publications Department of the Zimmerman Library of the University of New Mexico located in Albuquerque, New Mexico (open from 8:00 a.m. to 9:00 p.m. on Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, 9:00 a.m. to 5:00 p.m. on Saturday, and 1:00 p.m. to 9:00 p.m. on Sunday); (3) EPA's docket in the Fogelson Library of the College of Santa Fe in Santa Fe, New Mexico located at 1600 St. Michaels Drive (open from 8:00 a.m. to 12:00 midnight on Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, 9:00 a.m. to 5:00 p.m. on Saturday, 1:00 p.m. to 9:00 p.m. on Sunday); and (4) EPA's

docket in the Municipal Library of Carlsbad, New Mexico located at 101 S. Halegueno (open from 10:00 a.m. to 9:00 p.m. on Monday through Thursday, 10:00 a.m. to 6:00 p.m. on Friday and Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday). As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

#### **Description of Proposed Criteria**

The proposed criteria consist of four subparts. Each of these subparts is discussed in more detail below.

# Subpart A—General Provisions

Subpart A is chiefly concerned with identifying the purpose, scope and applicability of the criteria, defining terms, setting forth requirements regarding communications, addressing conditions of compliance certification and determinations, incorporating publications by reference, and providing for alternative provisions if future information indicates a need to modify the criteria. The specific provisions of Subpart A are discussed below.

## Purpose, Scope, and Applicability

Under Section 7(b) of the WIPP LWA, the DOE cannot dispose of transuranic waste at the WIPP until the EPA certifies that the WIPP is in compliance with the Agency's radioactive waste disposal standards set forth in 40 CFR part 191. In addition, under Section 8(f) of the WIPP LWA, not later than five years after initial receipt of waste for disposal at the WIPP, and every five years thereafter until the end of the decommissioning phase (as defined in section 2 of the WIPP LWA), DOE is required to submit to the Administrator documentation of continued compliance with the Agency's disposal standards. EPA is proposing to specify that these criteria will apply to any certification of compliance or determination of continued compliance under these sections of the WIPP LWA. The Administrator will review any compliance applications (hereinafter, the term "compliance applications" refers to applications for certification of compliance under section 8(d) of the WIPP LWA as well as applications for determinations of continued compliance under section 8(f) of the WIPP LWA) and will utilize these criteria to ascertain whether such applications demonstrate compliance with subparts B and C of 40 CFR part 191. The Administrator's certification or determination of compliance for the WIPP facility will depend on satisfying the specific requirements of each section of these criteria.

#### **Definitions**

In an effort to be consistent with the disposal standards set forth in 40 CFR part 191, the Agency is proposing that, unless otherwise indicated, all terms in the criteria have the same meaning as terms found in the disposal regulations.

#### **Communications**

The Agency is proposing to specify that any compliance applications shall be addressed to the Administrator and shall be signed by the Secretary. Any other communications concerning compliance applications for the WIPP shall, likewise, be addressed to the Administrator and shall be signed by the Secretary or the Secretary's authorized representative.

# **Conditions of Compliance Certification** and **Determination**

EPA is proposing that any certification or determination issued by the Agency pursuant to the WIPP LWA may include any conditions that the Administrator finds necessary to support a compliance certification or determination. In addition, EPA is proposing that any certification or determination of compliance be potentially subject to modification, suspension, or revocation for cause. The Agency believes that such conditions are necessary in order to guard against the possibility that the disposal system does not perform as expected (i.e., according to predictions contained in compliance applications).

Any certification or determination of the WIPP's compliance will be based upon the information contained in any compliance application submitted to the Administrator and upon other available information relevant to the application. So long as the contents of the application remain valid, the current certification or determination will remain valid. However, if the information contained in the application becomes invalid due to unanticipated developments, then the basis for the certification or determination may no longer be valid, and modification, suspension, or revocation of the certification or determination may be in order. Any modification, suspension, or revocation of a compliance certification will be subject to Agency rulemaking.

EPA is proposing to include these conditions because the Agency believes it is important to have a mechanism which enables a certification or determination to be modified, suspended, or revoked if new information comes to light which suggests that the WIPP is no longer