performing or may no longer perform as predicted. It would not be prudent to wait until submission of documentation of continued compliance (potentially up to five years later) before taking steps to mitigate against potential malfunctioning of the disposal system. Delay would allow a situation which could result in a violation continuing to exist or, perhaps, worsen. Hence, EPA is proposing these conditions in order to be able to take action quickly to address serious issues raised as to whether the WIPP is in compliance with the disposal regulations.

The Agency is not specifying, in today's proposal, the particular actions which may be required to be undertaken if modification or suspension were invoked. EPA has not done so because the Agency believes that it is inappropriate to specify particular actions prior to knowing the precise circumstances in which the actions would be undertaken. Since all of the scenarios in which the conditions might be invoked would be difficult to predict, specification of the actions necessary to mitigate against the consequences of all such scenarios becomes even more difficult. EPA, therefore, is proposing that decisions about the appropriate actions shall be based upon the nature and gravity of the given scenario at the time it occurs. In some cases this might entail instituting remedial actions or even removal of waste, while in other cases it might simply involve temporarily halting waste emplacement. Thus, actions will be evaluated on a case by case basis. The Agency solicits comment on this approach.

While the Agency is not specifying the particular actions which may be required in the event of a modification or suspension, the Agency is proposing that, in the event of a revocation (where presumably all attempts at remedial action have failed), the Department shall retrieve, to the extent practicable, any waste emplaced in the disposal system. The Agency solicits comment on this proposal.

The Agency is proposing that upon written request of the Administrator (after any certification or determination of compliance has been issued), the Department shall submit information to enable the Administrator to determine whether cause exists to modify, revoke, or suspend any certification or determination. Moreover, the EPA is proposing that the Department shall provide the requested information to the Administrator within 30 days of receipt of the Administrator's request. By requiring such a quick response time, the Agency can be assured that if circumstances arise which warrant

suspension, modification, or revocation, the potential consequences of such circumstances can be mitigated early and safety can, therefore, be increased. As an additional measure to ensure that the Administrator is kept apprised of any developments at the WIPP which might warrant modification, suspension, or revocation of any certification or determination of compliance, the Agency is proposing that the Department report, within ten days of discovery, any significant changes in conditions pertaining to the disposal system that depart from the application and which formed the basis of any certification or determination. Moreover, the Agency is requiring that a written report of all changes in conditions and/or activities pertaining to the disposal system that depart from the application and which formed the basis of any certification or determination be submitted to the Agency at least once every six months. If the Department plans to intentionally make any significant changes in conditions or activities pertaining to the disposal system, all such changes must be approved by the Administrator prior to being made. The Administrator will consider whether the planned change will invalidate the terms of the certification or determination in assessing whether approval should be given.

EPA is proposing to require the reporting of changes in WIPP conditions or activities once every six months to assure that the Agency is kept apprised of such changes but in a manner which is not overly burdensome to the Department in submitting the information or to the Agency in reviewing it.

EPA is also proposing to require that if the Department determines that a release of waste from the disposal system in excess of what is permitted under the disposal regulations has occurred or is likely to occur, the Department shall immediately suspend emplacement of waste in the disposal system and notify the Administrator within 24 hours of discovery of such a release. Following such notification, the Administrator may request additional information and will determine whether to modify, suspend, or revoke any previously issued certification or determination of compliance. The EPA is proposing this requirement to ensure that the Administrator is quickly apprised of any changes in the disposal system's performance from the projections included in any compliance applications.

Publications Incorporated by Reference

EPA is proposing that the following four documents be incorporated by reference: (1) The Nuclear Regulatory Commission's NUREG 1297 "Peer Review for High-Level Nuclear Waste Repositories"; (2) The American Society of Mechanical Engineers' (ASME) NQA-1–1989 edition "Quality Assurance Program Requirements for Nuclear Facilities''; (3) ASME NQA-2a-1990 addenda (part 2.7) to ASME NQA-2-1989 edition "Quality Assurance **Requirements of Computer Software for** Nuclear Facility Applications"; and (4) ASME NQA-3-1989 edition "Quality Assurance Program Requirements for the Collection of Scientific and **Technical Information for Site** Characterization of High-Level Nuclear Waste Repositories." The Agency is proposing to incorporate all of these documents because EPA believes that each is appropriate for use at the WIPP. More detailed information about the contents of each document is provided below in the sections dedicated to the particular topic covered by the various documents. Documents incorporated by reference are also available for inspection in the Office of the Federal Register.

Alternative Provisions

Although the Agency believes that the criteria being proposed today are appropriate based upon current knowledge and information, the possibility that future information may indicate necessary modifications to the criteria can not be ruled out.

In recognition of this possibility, today's proposed criteria set forth procedures under which the Administrator may develop modifications to this part, should the need arise. Any such modifications would proceed through the notice-andcomment rulemaking process under the Administrative Procedure Act (5 U.S.C. 553). The proposed criteria stipulate that such a rulemaking would require a public comment period of at least 120 days, including public hearings in New Mexico.

Subpart B—Compliance Certification and Determination Applications

Subpart B of the proposed compliance criteria addresses: (1) The completeness and accuracy of compliance applications; (2) the filing and distribution requirements for such applications and any associated reference materials; (3) the contents of a complete application; and (4) the criteria for updating certification