applications. Each of these sections is discussed below.

Completeness and Accuracy of Compliance Applications

The Agency proposes to require that any applications submitted to the Administrator for a certification or determination of compliance be complete and accurate. Since the statutory review period for applications is only one year for certification and six months for determinations, it is essential that all of that time be devoted to substantive evaluation of the information contained in the applications. Therefore, the Agency is proposing that the statutory review periods not begin until the Administrator has determined that the application is complete, accurate, and in accordance with the compliance criteria. The Administrator will notify the Secretary in writing once this determination is made.

Submission of Compliance Applications

In order to meet EPA's needs for reviewing and docketing any compliance applications, the Agency proposes to require that 30 paper copies of applications be filed with the Administrator (one original and 29 printed copies), unless otherwise specified by the Administrator. This number of copies is necessary because the Agency plans to place copies of compliance applications in various public dockets and the complexity of the application material will require multiple reviewers. The phrase "unless otherwise specified by the Administrator" is meant to allow for the possibility of alternative requirements for submission of compliance applications in the event that new submission methods are developed; e.g., electronic submission requirements.

Submission of Reference Materials

The Agency recognizes that compliance applications will likely include references to other sources of information. Accordingly, today's proposal requires submission to the Administrator of ten paper copies of any referenced material unless otherwise specified by the Administrator. This is necessary due to the limited time period for review and due to the needs of multiple reviewers, including the public. Again, the phrase "unless otherwise specified by the Administrator" signals that the Administrator may require an alternative method for submission of reference materials if a more appropriate system (e.g., an electronic submission system) is developed. Regardless of

what system is ultimately used, submissions need not include referenced material from standard textbooks (e.g., physics or chemical handbooks).

Content of Compliance Certification Applications

The Agency is proposing to specify information which must be included in any compliance certification application. The proposed criteria require descriptions of the WIPP disposal system and surrounding environment, and the components and results of long-term compliance assessments. The items listed, however, are not intended to be an exhaustive identification of the necessary elements of a complete application. Rather, the proposed criteria identify what the Agency considers to be major elements of a complete compliance application. Note that other major submission requirements are discussed elsewhere in the criteria and are too numerous to list here (such as documentation requirements for use of expert judgment and for waste characterization).

In the future, the Agency will be issuing a detailed guide as a supplement to the 40 CFR part 194 compliance criteria. This guide will provide additional detailed information on the expected format and content of a complete compliance application. The Agency is not including such a detailed itemization in today's proposal because EPA needs more information about factors important to the disposal system's ability to contain waste before such detailed submission requirements can be identified.

As an example of the type of information which may be necessary for inclusion in a complete application, but which EPA is not specifying in today's proposal due to the fact that there is currently an incomplete understanding of its effect on the disposal system, is an analysis and identification of higher permeability marker beds in the host rock. (Marker beds are stratified units with distinctive characteristics making them an easily recognized geologic horizon.) At present, there is some information about the existence of these marker beds in the host rock, but little knowledge about how they may affect the transport of radionuclides and the flow of ground water. As further study is done of these marker beds, it is possible that they may be discovered to have a great impact on the WIPP's ability to comply with the disposal standards of 40 CFR part 191. It is also possible that they will be discovered to have little or no impact. Depending on the results of further study, then, EPA

will decide whether information about the higher permeability beds needs to be included in compliance applications and if so, how much information. EPA solicits comment on this approach.

Content of Compliance Determination Application(s)

As required by section 8(f) of the WIPP Land Withdrawal Act, DOE must submit documentation of continued compliance every five years after any initial certification is granted for the WIPP until the end of the decommissioning phase, when all shafts and rooms at the WIPP are backfilled and sealed. To avoid duplication of information already submitted to the Administrator as part of any previous compliance applications, EPA proposes to require that only relevant new information be submitted as documentation of continued compliance. This documentation must update the information contained in previous applications and apprise the Agency of new developments regarding the WIPP disposal system and its performance. Information included in previous applications may be summarized and referenced.

Subpart C—Compliance Certification and Determination

Subpart C sets forth general and specific requirements for certifying and determining compliance with the provisions of the disposal regulations found in subparts B and C of 40 CFR part 191. The provisions of Subpart C are discussed in detail below.

General Requirements

Inspections

Today's proposal provides for EPA inspections to help ensure that WIPPrelated activities and pertinent records described in any compliance applications are implemented as described. Inspections, including, random, unannounced inspections of WIPP-related activities and records, will assist EPA in assuring the validity of information used to support compliance applications. In conducting such inspections, EPA will comply with applicable access control measures for security, radiological protection and personal safety, but shall otherwise have unfettered access to WIPP-related activities and records.

To facilitate EPA's ability to inspect as warranted, EPA is proposing that, upon request, the Department provide the Administrator's inspectors with rent-free office space convenient to the WIPP disposal system. Additionally, records shall be made immediately