combinations of the above. Furthermore, consistent with the Agency's approach under the Safe Drinking Water Act (42 U.S.C.A. sections 300(f) to 300j–26), it should be assumed that individuals consume two liters of water per day from any underground source of drinking water in the accessible environment.

EPA is proposing today that any underground sources of drinking water in the accessible environment which are likely to be affected by the disposal system over 10,000 years be considered in WIPP compliance applications. Such consideration should include an analysis of the interconnection and commingling of bodies of ground water with underground sources of drinking water, as well as ground-water flow rates and direction.

According to 40 CFR part 191, calculations of compliance with the individual and ground-water protection requirements must consider the undisturbed performance of the disposal system. 40 CFR part 191 defines "undisturbed performance" as: "the predicted behavior of a disposal system, including consideration of the uncertainties in predicted behavior, if the disposal system is not disrupted by human-intrusion or the occurrence of unlikely natural events." The Agency solicits comment on whether there is a need for further clarification of the analysis of undisturbed performance, e.g.; is there a need to identify what constitutes an "unlikely" natural event or what probability of occurrence renders an event "likely" or 'unlikely?"

EPA is proposing that any application for certification of compliance shall include information which identifies the processes, events, or sequences of processes and events considered in compliance analyses. Moreover, EPA is proposing that documentation be provided which justifies the inclusion/non-inclusion of particular processes, events, or sequences of processes and events in compliance assessment results.

Once the processes, events, or sequences of processes and events have been identified, they shall be incorporated into compliance assessments of the disposal system. The disposal standards require compliance assessments to include consideration of the uncertainties associated with the undisturbed performance of the disposal system. To do this, it is necessary to identify all disposal system parameters that can affect the performance of the WIPP, as well as to identify the uncertainty associated with each parameter.

When the disposal system parameters and their accompanying uncertainty have been identified, EPA is proposing that probability distributions be developed for each such parameter. A probability distribution is a function which assigns a probability of occurrence to each value for a given parameter.

The Agency is proposing that, in compiling compliance assessment results, computational techniques be used which draw random samples from across the full range of probability distributions for parameter values used in compliance assessments. This will help assure that all possible values of a parameter have been considered in compiling compliance assessment results.

EPA is proposing that the range of estimated radiation doses to individuals (as generated through use of the computational techniques referred to above), and the range of estimated radionuclide concentrations in ground water must be large enough such that the maximum estimate generated exceeds the 99th percentile of the population of estimates with at least a 95% probability. The "population of estimates" refers to the set of all possible estimates that can be generated from all disposal system parameter values used in compliance assessments. A single estimate, in effect, samples this population. This is similar to the requirement for the number of CCDFs which must be generated for purposes of compliance with the containment requirements. The Agency is proposing to include this provision for the purpose of ensuring that there is a 95% probability that 99% of all possible values have been exceeded by the maximum estimate generated.

In order to assure that all pertinent information is provided to the Agency, EPA is proposing to require that compliance applications display the full range of estimated radiation doses and the full range of estimated radionuclide concentrations.

Finally, the Agency is proposing to require that any compliance certification application provide information which demonstrates that there is at least a 95% level of statistical confidence that the mean and the median of the full range of estimated radiation doses and of the full range of estimated radionuclide concentrations meet the requirements set forth in sections 15 and 16 of 40 CFR part 191. The mean estimate provides a measure of compliance that expresses the average impacts of the disposal system on individuals and ground water as well as the probabilities of uncertain disposal

system parameter values. The median estimate provides a measure of compliance that expresses the central tendency of a population of estimates. Specifically, the median represents the point that a calculated estimate would be equally likely to fall above or below. Insofar as both statistics contain useful information, the Agency is proposing an approach that assures that both meet the limits of the individual and groundwater protection requirements.

The Agency solicits comments on the above approach for evaluating the results of compliance assessment.

## **Subpart D—Public Participation**

The Agency intends to involve the public throughout the Agency's regulatory oversight at the WIPP. Accordingly, today's proposal contains a set of criteria for public participation in any compliance certification or determination.

In today's proposal, the Agency is proposing to continue to maintain the four public information dockets listed in the Supplementary Information section of this part. All materials relevant to any compliance certification or determination or to any decision regarding modifications, suspensions, or revocations of such compliance certifications and determinations will be placed in the proposed dockets.

The Agency believes that maintaining dockets is useful because they can greatly increase communication between EPA and all interested parties. The Agency intends to maintain all dockets in conformance with EPA's "Uniform Rulemaking Docket Guidance" to the extent practicable. This guidance is widely used within the Agency and helps to ensure that public participation in Agency rulemakings is optimized.

The Agency also proposes to hold public hearings on proposed compliance criteria within the State of New Mexico. These hearings will provide an opportunity for members of the public, beyond submission of written comments, to express their views to EPA in the rulemaking process.

With respect to applications for compliance certification, the Agency is proposing that, upon receipt of an application for certification of compliance, it will publish a notice in the **Federal Register** announcing that an application for certification of compliance has been received and soliciting comment on that application. This notice in the **Federal Register** will be an Advance Notice of Proposed Rulemaking (ANPR), as it will also announce the Agency's intent to conduct a rulemaking to certify whether