Containment Requirements

- 194.31 Application of release limits.
- Scope of performance assessments.
- 194.33 Consideration of human-initiated processes and events.
- 194.34 Results of performance assessments.

Assurance Requirements

- Active institutional controls. 194.41
- Monitoring. 194.42
- 194.43 Passive institutional controls.
- 194.44 Engineered barriers.
- 194.45 Consideration of the presence of resources.
- 194.46 Removal of waste.

Individual and Ground-Water Protection Requirements

- 194.51 Consideration of protected individual.
- 194.52 Consideration of exposure pathways.
- 194.53 Consideration of underground sources of drinking water.
- 194.54 Scope of compliance assessments.
- 194.55 Results of compliance assessments.

Subpart D—Public Participation

- 194.61 Advance notice of proposed rulemaking.
- 194.62 Notice of proposed rulemaking.
- 194.63 Final rule
- 194.64 Documentation of continued compliance.
- 194.65 Dockets.

Authority: The Waste Isolation Pilot Plant Land Withdrawal Act of 1992, Pub.L. 102-579, 106 Stat. 4777; 5 U.S.C.app.1; 42 U.S.C. 2011-2296; 42 U.S.C. 10101-10270.

Subpart A—General Provisions

§ 194.1 Purpose, scope and applicability.

This part specifies criteria for any certification or determination of compliance, under section 8(d) and section 8(f) of the Waste Isolation Pilot Plant Land Withdrawal Act of 1992 (WIPP LWA), with the disposal regulations at 40 CFR part 191. Any compliance application submitted under section 8(d) of the WIPP LWA and any compliance application submitted under section 8(f) of the WIPP LWA must comply with the requirements of this part.

§ 194.2 Definitions.

Unless otherwise indicated in this part, all terms have the same meaning as in 40 CFR part 191.

Certification means any action taken by the Administrator under section 8(d) of the WIPP LWA.

Compliance application(s) means any application submitted to the Administrator under section 8(d) of the WIPP LWA or any application(s) submitted to the Administrator under section 8(f) of the WIPP LWA.

Compliance assessment(s) means the analysis conducted to determine

compliance with section 15 and subpart C of 40 CFR part 191.

Determination means any action taken by the Administrator pursuant to 8(f) of the WIPP LWA.

Disposal regulations means subparts B and C of 40 CFR part 191.

Human activity means those drilling events that may affect the disposal system, but do not necessarily reach the level of the waste in the disposal

Human intrusion means those drilling events that reach the level of the waste in the disposal system.

Management systems review means the qualitative assessment of a data collection operation or organization(s) to establish whether the prevailing quality management structure, policies, practices, and procedures are adequate for ensuring that the type and quality of data needed are obtained.

Modification means action(s) taken by the Administrator that has the effect of altering the terms or conditions of certification under section 8(d) of the WIPP LWA or that has the effect of altering the terms or conditions of a determination under section 8(f) of the WIPP LWA.

Population of CCDFs means all possible CCDFs that can be generated from all disposal system parameter values used in performance assessments.

Population of estimates means all possible estimates that can be generated from all disposal system parameter values used in compliance assessments.

Quality assurance means all those planned and systematic actions necessary to provide adequate confidence that the disposal system will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

Regulatory time frame means the time period beginning at disposal and ending 10,000 years after disposal.

Revocation means any action taken by the Administrator to terminate or withdraw the effectiveness of a certification under section 8(d) of the WIPP LWA or to terminate or withdraw the effectiveness of a determination under section 8(f) of the WIPP LWA.

Secretary means the Secretary of the Department of Energy.

Suspension means any action taken by the Administrator to withdraw, for a limited period of time, the effectiveness of certification under section 8(d) of the WIPP LWA or to withdraw, for a limited period of time, the effectiveness of a determination under section 8(f) of the WIPP LWA.

Waste means the radioactive waste and radioactive material subject to the requirements of 40 CFR part 191.

WIPP means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96– 164; 93 Stat. 1259, 1265).

WIPP LWA means the Waste Isolation Pilot Plant Land Withdrawal Act (Pub. L. 102–579, 106 Stat. 4777).

§ 194.3 Communications.

- (a) Compliance application(s) shall be:
- (1) Addressed to the Administrator; and
 - (2) Signed by the Secretary.
- (b) Communications and reports concerning the criteria in this part shall
- (1) Addressed to the Administrator or, where indicated, the Administrator's authorized representative; and
- (2) Signed by the Secretary or the Secretary's authorized representative.

§ 194.4 Conditions of compliance certification and determination.

- (a) Any certification or determination issued pursuant to the WIPP LWA may include such conditions as the Administrator finds to be necessary to support such certification or determination(s).
- (b) Whether stated therein or not, the following shall be conditions in any certification or determination:
- (1) The certification or determination shall be subject to modification, suspension, or revocation, by the Administrator. Any modification, suspension, or revocation of the certification shall be done by rule. If the Administrator revokes the certification, the Department shall retrieve, to the extent practicable, any waste emplaced in the disposal system.
- (2) Upon written request of the Administrator any time after the Administrator has issued a certification or determination of compliance, the Department shall submit information to enable the Administrator to determine whether the certification or determination should be modified, suspended, or revoked. Unless otherwise specified by the Administrator, the Department shall submit such information to the Administrator within 30 calendar days of receipt of the Administrator's request.
- (3) Not later than six months after the Administrator has issued any