- certification or determination of compliance, and at least every six months thereafter, the Department shall report to the Administrator, in writing, any changes in conditions or activities pertaining to the disposal system that depart from the application and that formed the basis of such certification or determination of compliance.
- (4) Any time after the Administrator has issued a certification or determination of compliance, the Department shall report any changes in activities pertaining to the disposal system that depart significantly from the application and that formed the basis of such certification or determination of compliance. The Department shall inform the Administrator, in writing, prior to making a planned change. The Administrator will determine whether the planned change invalidates the terms of the certification or determination. Any significant change must be approved by the Administrator prior to being made and the Administrator will determine whether the change requires further action. Further action may include modification, suspension, or revocation of the compliance certification or
- (5) If the Department discovers that a condition pertaining to the disposal system differs significantly from that indicated in the application that formed the basis of a certification or determination of compliance, the difference must be reported, in writing, to the Administrator within 10 calendar days of its discovery. The Administrator will determine whether the report requires further action. Further action may include modification, suspension, or revocation of the compliance certification or determination.
- (6) If the Department determines that a release of waste from the disposal system to the accessible environment in excess of what is permitted under the disposal regulations has occurred or is likely to occur, the Department shall:
- (i) Immediately suspend emplacement of waste in the disposal system, and
- (ii) Notify the Administrator, in writing, within 24 hours of the determination that such a release has occurred or is likely to occur. Such notification shall include, but need not be limited to, the following information to the extent possible:
- (A) Identification of the location and environmental media of the release or the expected release;
- (B) Identification of the type and quantity of waste (in activity in curies of each radionuclide) released or expected to be released;

- (C) Time and date of the release or the approximate time of the expected release;
- (D) Assessment of the hazard posed by the release or the expected release; and
- (E) Additional information requested by the Administrator or the Administrator's authorized representative and deemed by the Administrator or the Administrator's authorized representative to be relevant to a modification, suspension or revocation of a certification or determination of compliance.
- (iii) Following receipt of the notification, the Administrator:
- (A) May request additional information; and
- (B) Will determine whether emplacement of waste in the disposal system may continue and whether to modify, suspend, or revoke any previously issued certification or determination of compliance.

#### § 194.5 Publications incorporated by reference.

- (a) The following publications are
- incorporated in this part by reference: (1) NUREG 1297 "Peer Review for High-Level Nuclear Waste Repositories.
- (2) 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.'
- (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.'
- (b) The publications listed in paragraph (a) of this section were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected or obtained from the Air Docket, Docket No. A-92-56, room M1500 (LE131), U. S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or copies may be inspected at the Office of the Federal Register, 800 N. Capitol Street NW., 7th floor, suite 700, Washington, DC.

#### § 194.6 Alternative provisions.

The Administrator may, by rule, substitute for any of the provisions of this part alternative provisions chosen after:

(a) The alternative provisions have been proposed for public comment in the Federal Register together with

- information describing how the alternative provisions comport with the disposal regulations, the reasons why compliance with the existing provisions of this part appears inappropriate, the costs, risks and benefits of compliance in accordance with the alternative provisions:
- (b) A public comment period of at least 120 days has been completed, during which an opportunity for public hearings in New Mexico has been provided; and
- (c) The public comments received have been fully considered in developing the final version of alternative provisions.

# **Subpart B—Compliance Certification** and Determination Applications

# §194.11 Completeness and accuracy of compliance applications.

Information provided to the Administrator in support of any compliance application(s) shall be complete and accurate. The Administrator's evaluation for certification under section 8(d)(1)(B) of the WIPP LWA and evaluation for determination under section 8(f)(2) of the WIPP LWA shall not begin until the Administrator has notified the Secretary, in writing, that a complete application in accordance with this Part has been received.

# §194.12 Submission of compliance applications.

Unless otherwise specified by the Administrator, 30 copies of any compliance application(s), any accompanying materials, and any amendments thereto shall be submitted in a printed form to the Administrator.

#### § 194.13 Submission of reference materials.

Information may be referenced in compliance application(s): Provided, That the references are clear and specific and that 10 copies of the referenced information are submitted to the Administrator. Referenced materials which are widely available in standard textbooks need not be submitted.

# § 194.14 Content of compliance certification application.

Any application for certification of compliance with the disposal regulations shall include:

- (a) A description of the disposal system and those features that may affect disposal system performance. The description of the disposal system shall include the following information:
- (1) The location of the disposal system and the controlled area;