conduct a rulemaking to certify whether the WIPP facility will comply with the disposal regulations.

(b) A copy of the application for certification of compliance will be made available for inspection in Agency dockets.

(c) The notice will provide a public comment period of at least 120 days.

(d) A public hearing concerning the notice will be held if a written request for a hearing is received within 30 calendar days of the date of publication under paragraph (a) of this section. Written requests shall be directed to the Administrator and the Administrator's authorized representative.

(e) Any comments received on the notice will be made available for inspection in the dockets established under section 65 of this part.

(f) Any comments received on the notice will be provided to the Department and the Department may submit written responses to the comments within 120 days of receipt.

§194.62 Notice of proposed rulemaking.

(a) Upon completion of review of the application for certification of compliance, the Administrator will publish a Notice of Proposed Rulemaking in the **Federal Register** announcing the Administrator's proposed decision on whether the WIPP facility will comply with the disposal regulations and soliciting comment on the proposal.

(b) The notice will provide a public comment period of at least 120 days.

(c) The notice will announce the opportunity for public hearings in New Mexico and provide information on the timing and location of such hearings and procedures for registering to testify.

(d) Any comments received on the notice will be made available for inspection in the dockets established under section 65 of this part.

§194.63 Final rule.

(a) The Administrator will publish a Final Rule in the **Federal Register** announcing the Administrator's decision on certifying whether the WIPP facility will comply with the disposal regulations.

(b) A document summarizing major comments and issues arising from comments received on the Notice of Proposed Rulemaking as well as the Administrator's response to such comments and issues will be prepared and will be made available for inspection in the dockets established under section 65 of this part.

§ 194.64 Documentation of continued compliance.

(a) Upon receipt of documentation of continued compliance with the disposal regulations pursuant to section 8(f) of the WIPP LWA, the Administrator will publish a notice in the **Federal Register** announcing that such documentation has been received, soliciting comment on such documentation, and announcing the Administrator's intent to determine whether or not the WIPP facility continues to be in compliance with the disposal regulations.

(b) Copies of documentation of continued compliance received by the Administrator will be made available for inspection in the dockets established under section 65 of this part.

(c) The notice will provide a public comment period of at least 30 days after publication under paragraph (a) of this section.

(d) Any comments received on such notice will be made available for public inspection in the dockets established under § 194.65.

(e) Upon completion of a review of documentation of continued compliance with the disposal regulations, the Administrator will publish a notice in the **Federal Register** announcing the Administrator's decision determining whether or not the WIPP facility continues to be in compliance with the disposal regulations.

§194.65 Dockets.

The Agency will establish and maintain dockets in the State of New Mexico and Washington, DC. The dockets will consist of all relevant information received from outside parties and all information considered by the Administrator in certifying whether the WIPP facility will comply with the disposal regulations, in determining whether or not the WIPP facility continues to be in compliance with the disposal regulations, and in determining whether compliance certification or determination(s) should be modified, suspended, or revoked.

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