

## § 194.61

(1) Estimated committed effective doses received from all pathways pursuant to § 194.51 and § 194.52;

(2) Estimated radionuclide concentrations in USDWs pursuant to § 194.53; and

(3) Estimated dose equivalent received from USDWs pursuant to § 194.52 and § 194.53.

(d) The number of estimates generated pursuant to paragraph (c) of this section shall be large enough such that the maximum estimates of doses and concentrations generated exceed the 99th percentile of the population of estimates with at least a 0.95 probability.

(e) Any compliance application shall display:

(1) The full range of estimated radiation doses; and

(2) The full range of estimated radionuclide concentrations.

(f) Any compliance application shall document that there is at least a 95 percent level of statistical confidence that the mean and the median of the range of estimated radiation doses and the range of estimated radionuclide concentrations meet the requirements of § 191.15 and part 191, subpart C of this chapter, respectively.

### Subpart D—Public Participation

#### § 194.61 Advance notice of proposed rulemaking for certification.

(a) Upon receipt of a compliance application submitted pursuant to section 8(d)(1) of the WIPP LWA and § 194.11, the Agency will publish in the FEDERAL REGISTER an Advance Notice of Proposed Rulemaking announcing that a compliance application has been received, soliciting comment on such application, and announcing the Agency's intent to conduct a rulemaking to certify whether the WIPP facility will comply with the disposal regulations.

(b) A copy of the compliance application will be made available for inspection in Agency dockets established pursuant to § 194.67.

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

(d) A public hearing concerning the notice will be held if a written request is received by the Administrator or the Administrator's authorized representative within 30 calendar days of the date

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of publication pursuant to paragraph (a) of this section.

(e) Any comments received on the notice will be made available for inspection in the dockets established pursuant to § 194.67.

(f) Any comments received on the notice will be provided to the Department and the Department may submit to the Agency written responses to the comments.

#### § 194.62 Notice of proposed rulemaking for certification.

(a) The Administrator will publish a Notice of Proposed Rulemaking in the FEDERAL REGISTER announcing the Administrator's proposed decision, pursuant to section 8(d)(1) of the WIPP LWA, whether to issue a certification that 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 public hearings in New Mexico.

(d) Any comments received on the notice will be made available for inspection in the dockets established pursuant to § 194.67.

#### § 194.63 Final rule for certification.

(a) The Administrator will publish a Final Rule in the FEDERAL REGISTER announcing the Administrator's decision, pursuant to section 8(d)(1) of the WIPP LWA, whether to issue a certification that the WIPP facility will comply with the disposal regulations.

(b) A document summarizing significant comments and issues arising from comments received on the Notice of Proposed Rulemaking, as well as the Administrator's response to such significant comments and issues, will be prepared and will be made available for inspection in the dockets established pursuant to § 194.67.

#### § 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 and § 194.11, the Administrator will publish a notice in the FEDERAL REGISTER announcing that such documentation has been received,