

including locations in Colorado, Idaho, New Mexico, Nevada, Ohio, South Carolina, Tennessee, and Washington.

On February 9, 1996, EPA announced its final compliance criteria (40 CFR part 194) for determining whether the WIPP will comply with EPA's environmental radiation protection standards for the disposal of radioactive waste in 40 CFR part 191. The compliance criteria implemented the radiation protection standards by applying them to the proposed disposal of transuranic waste in the WIPP. The EPA was required by the WIPP Land Withdrawal Act of 1992 (Public Law 102-579) to evaluate whether the WIPP will comply with Subparts B and C of the 40 CFR part 191 (known as the "disposal regulations") and issue or deny a certification of compliance.

On May 13, 1998, EPA announced its final compliance certification decision (published in the **Federal Register** on May 18, 1998, at 63 FR 27354). This decision states that the WIPP complies with the EPA's radioactive waste disposal regulations at 40 CFR part 191, subparts B and C.

As mandated by Congress in the WIPP Land Withdrawal Act, EPA has regulatory authority over many of DOE's WIPP-related activities for the operational lifetime of the facility, approximately 35 years. EPA must also recertify WIPP's compliance every five years; the first recertification decision will occur in 2004. DOE must report changes in activities or conditions at the WIPP that differ significantly from the information contained in the most recent compliance application. The Agency reviews such information as it is received to determine whether the "certification" must be modified, suspended, or revoked. In addition to review changes, EPA monitors the continued compliance of the WIPP facility and related waste characterization activities at the waste generator sites by conducting audits and inspections.

EPA is proposing to revise certain provisions of the Compliance Criteria at 40 CFR part 194. As outlined in the official **Federal Register** notice (67 FR 51930-51946), EPA is proposing to (1) Revise the process for establishing "alternative provisions" in § 194.6; (2) revise the approval process in § 194.8 for waste characterization processes at TRU waste generator sites for disposal at WIPP; (3) revise the requirements in §§ 194.12 and 194.13 for submission of compliance applications and reference materials; and (4) change the term "process knowledge" to "acceptable knowledge" in § 194.24(c)(3). The proposed revisions are intended to

ensure that 40 CFR part 194 remains comprehensive, appropriate, and based upon current knowledge and information. The Agency is soliciting comments on this proposal.

Hearing Procedures

Testifiers are requested to pre-register by calling EPA's contractor-operated, toll-free number 1-800-275-2209, Monday thru Friday between 9 a.m. and 5:30 p.m. Central Standard Time (CST). Please provide the following information when registering: Name, organization (if any), address, hearing date and location, time(s) available to testify, and daytime telephone number. Registrations must be received by 12 p.m. CST, September 20, 2002, in order to guarantee an opportunity to testify. Speakers not registered in advance may register at the door and will be scheduled to testify, if openings are still available and time permits.

Individuals testifying on their own behalf will be allowed 5 minutes. One individual may testify as the official representative or spokesperson on behalf of groups and organization and will be allocated 10 minutes for an oral presentation. Time allowed is exclusive of any time consumed by questions from the government panel and answers to these questions. Written comments will be considered to the same extent as oral testimony and will be included as part of the official hearings transcripts. The hearing transcript will constitute the official record of the hearing. All written comments which are submitted outside of the public hearings must be received by the HQ EPA Air Docket (through EDOCKET, e-mail, regular mail, or fax) by December 9, 2002. These comments will also be given EPA's full consideration. Thus, all comments received by EPA, whether written or oral, will be given equal consideration in development of the final rule. **[Note:** The dockets in New Mexico only contain major items from the official docket (WDC) plus all those documents added to the official docket since October 1992 when the WIPP Land Withdrawal Act was enacted.] As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

Dated: August 30, 2002.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL-7372-9]

Central Characterization Project Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Nevada Test Site Proposed for Disposal at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; Opening of Public Comment Period.

SUMMARY: The Environmental Protection Agency (EPA, or "we") is announcing an inspection for the week of September 23, 2002, at the Nevada Test Site (NTS). With this notice, we also announce availability of Department of Energy (DOE) documents in the EPA Docket, and solicit public comments on the documents available in the docket for a period of 30 days. The following DOE documents, entitled "CCP-PO-001—Revision 4, May 31, 2002—CCP Transuranic Waste Characterization Quality Assurance Project Plan" and "CCP-PO-002—Revision 4, May 31, 2002—CCP Transuranic Waste Certification Plan," are available for review in the public dockets listed in **ADDRESSES**. We will consider public comments received on or before the due date mentioned in **DATES**. In accordance with EPA's WIPP Compliance Criteria, we will conduct an inspection (of both waste characterization and quality assurance) at NTS to verify that, using the systems and processes developed as part of the DOE Carlsbad Office's central characterization project (CCP), DOE can characterize TRU waste at NTS properly, consistent with the Compliance Criteria.

DATES: EPA is requesting public comment on the documents. Comments must be received by EPA's official Air Docket on or before October 9, 2002.

ADDRESSES: Comments should be submitted to: EPA Docket Center (EPA/DC), Air and Radiation Docket, Docket No. A-98-49, EPA West, Mail Code 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The DOE documents are available for review in the official EPA Air Docket in Washington, DC, Docket No. A-98-49, Category II-A2, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday–Thursday, 10 a.m.–9 p.m., Friday–Saturday, 10 a.m.–6 p.m., and Sunday 1

p.m.–5 p.m.; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: vary by semester; and in Santa Fe at the New Mexico State Library, Hours: Monday–Friday, 9 a.m.–5 p.m.

As provided in EPA's regulations at 40 CFR Part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying. Air Docket A-98-49 in Washington, DC, accepts comments sent electronically or by fax (fax: 202-566-1741; e-mail: a-and-r-docket@epa.gov).

FOR FURTHER INFORMATION CONTACT: Ms. Rajani D. Joglekar, Office of Radiation and Indoor Air, (202) 564-7734. You can also call EPA's toll-free WIPP Information Line, 1-800-331-WIPP or visit our Web site at <http://www.epa.gov/radiation/wipp>.

SUPPLEMENTARY INFORMATION

Background

DOE is operating the WIPP near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Public Law No. 102-579), as amended (Public Law No. 104-201), transuranic (TRU) waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Much of the existing TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and sludges.

On May 13, 1998, EPA announced its final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision stated that the WIPP will comply with EPA's radioactive waste disposal regulations at 40 CFR part 191, Subparts B and C.

The final WIPP certification decision includes conditions that (1) prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until the EPA determines that the site has established and executed a quality assurance program, in accordance with §§ 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions (Condition 2 of Appendix A to 40 CFR Part 194); and (2) prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until the EPA has approved

the procedures developed to comply with the waste characterization requirements of § 194.22(c)(4) (Condition 3 of Appendix A to 40 CFR Part 194). The EPA's approval process for waste generator sites is described in § 194.8. As part of EPA's decision-making process, the DOE is required to submit to EPA appropriate documentation of quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, EPA will place such documentation in the official Air Docket in Washington, DC, and informational dockets in the State of New Mexico for public review and comment.

EPA will perform an inspection of the TRU waste characterization and quality assurance activities performed by the DOE's Central Characterization Project (CCP) staff at the Nevada Test Site (NTS) in accordance with Condition 3 of the WIPP certification. We will evaluate the adequacy, implementation, and effectiveness of the CCP technical activities contracted by the NTS for characterization of the disposal of retrievably-stored debris waste at the WIPP. The overall program adequacy and effectiveness of CCP/NTS documents will be based on the following DOE-provided documents: (1) CCP-PO-001—Revision 4, May 31, 2002—CCP Transuranic Waste Characterization Quality Assurance Project Plan and (2) CCP-PO-002—Revision 4, May 17, 2002—CCP Transuranic Waste Certification Plan. EPA has placed these DOE-provided documents pertinent to the NTS inspection in the public docket described in **ADDRESSES**. The documents are included in item II-A2-42 in Docket A-98-49. In accordance with 40 CFR 194.8, EPA is providing the public 30 days to comment on these documents. The inspection is scheduled to take place the week of September 23, 2002.

EPA will inspect the following technical elements for characterizing retrievably-stored TRU debris waste: data validation and verification, acceptable knowledge, nondestructive assay (NDA-WIT and APNEA), Digital Radiography/Computed Tomography, visual examination, and data tracking and reporting via the WIPP Waste Information System.

If EPA determines as a result of the inspection that the proposed CCP waste characterization and quality assurance processes and programs used at NTS adequately control the characterization of transuranic waste, we will notify DOE by letter and place the letter in the

official Air Docket in Washington, DC, as well as in the informational docket locations in New Mexico. A letter of approval will allow DOE to ship transuranic waste from NTS to the WIPP. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.

Dated: August 30, 2002.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-7272-3]

Minnesota: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Minnesota has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Minnesota has submitted these changes so that it may implement the EPA approved U.S. Filter Recovery Systems (USFRS) XL project. EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is proposing to authorize the State's changes through this proposed final action.

DATES: Written comments must be received on or before October 9, 2002.

ADDRESSES: Send written comments to Gary Westefer, Minnesota Regulatory Specialist, DM-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please refer to Docket Number MN-XL1. You can view and copy Minnesota's application from 9 am to 4 pm at the following addresses: Minnesota Pollution Control Agency, 520 Lafayette Road, North, St. Paul, Minnesota 55155,