

advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 24, 1999.

**Laura Yoshii,**

*Deputy, Regional Administrator, Region IX.*  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 194

[FRL-6459-5]

RIN 2060-AG85

#### Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Rocky Flats Environmental Technology Site 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) is announcing the availability of, and soliciting public comments for 30 days on Department of Energy (DOE) documents applicable to characterization of transuranic (TRU) radioactive waste at Rocky Flats Environmental Technology Site (RFETS) proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents are entitled: (1) "Salt Residue Repack, Bldg. 371 and 707 Process Control Plan, RS-020-021, Rev.

000," (2) "Ash Residue Repack Project, Bldg. 707 Process Control Plan, RS-020-012, Rev. 000," (3) "Dry Residue Repackaging Process Control Plan, RS-020-013, Rev. 000," and "Combustible Residue Repackaging Process Control Plan, RS-020-018, Rev. 000." They are available for review in the public dockets listed in **ADDRESSES**. EPA will conduct an inspection of waste characterization systems and processes at RFETS to verify that the proposed systems and processes at RFETS can characterize transuranic waste in accordance with EPA's WIPP compliance criteria at 40 CFR 194.24. EPA will perform this inspection the week of November 15, 1999. This notice of the inspection and comment period accords with 40 CFR 194.8.

**DATES:** EPA is requesting public comment on the documents. Comments must be received by EPA's official Air Docket on or before November 17, 1999.

**ADDRESSES:** Comments should be submitted to: Docket No. A-98-49, Air Docket, Room M-1500 (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW, 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, 10am-9pm, Friday-Saturday, 10am-6pm, and Sunday 1pm-5pm; 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, 9am-5pm.

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.

#### FOR FURTHER INFORMATION CONTACT:

Scott Monroe, Office of Radiation and Indoor Air, (202) 564-9310 or call EPA's toll-free WIPP Information Line, 1-800-331-WIPP.

#### SUPPLEMENTARY INFORMATION:

##### Background

DOE is developing 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 (Pub. L. No. 102-579), as amended (Pub. L. No. 104-201), 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 approved the required quality assurance program at RFETS in March 1999. EPA also approved certain waste characterization processes at RFETS in March 1999 and June 1999. DOE is proposing to use additional nondestructive assay processes that EPA did not previously inspect at RFETS. EPA will conduct a inspection of RFETS to verify that the utilization of these additional processes as part of the system of controls for waste characterization complies with 40 CFR 194.24.

EPA has placed four documents pertinent to the inspection in the public docket described in **ADDRESSES**. The documents are entitled: (1) "Salt Residue Repack, Bldg. 371 and 707

Process Control Plan, RS-020-021, Rev. 000," (2) "Ash Residue Repack Project, Bldg. 707 Process Control Plan, RS-020-012, Rev. 000," (3) "Dry Residue Repackaging Process Control Plan, RS-020-013, Rev. 000," and "Combustible Residue Repackaging Process Control Plan, RS-020-018, Rev. 000." Two other relevant RFETS documents—"Transuranic Waste Management Manual, Rev. 2," and "RFETS TRU Waste Characterization Program Quality Assurance Project Plan"—were placed in Docket A-98-49 previously (Items II-A2-9 and II-A2-10) and are also open to comment. In accordance with 40 CFR 194.8, as amended by the final certification decision, EPA is providing

the public 30 days to comment on these documents.

If EPA determines as a result of the inspection that the proposed processes at RFETS 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 the DOE to ship from RFETS the TRU waste that may be characterized using the approved processes. 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: October 7, 1999.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

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