

Once the recertification application was deemed complete, EPA conducted its technical evaluation and issued the recertification decision within the six-month timeframe specified by the WIPP LWA.

EPA believes that future recertification processes should not be as lengthy. The Agency intends to meet with DOE to discuss and work on improving future recertification applications and processes.

#### VII. Where can I get more information about EPA's WIPP-related activities?

##### A. Supporting Documents for Recertification

The Compliance Application Review Documents, or CARDS, contain the detailed technical rationale for EPA's recertification decision. The CARDS discuss DOE's compliance with each of the individual requirements of the WIPP Compliance Criteria. The document discusses background information related to each section of the compliance criteria, restates the specific requirement, reviews the original 1998 certification decision, summarizes changes in the CRA, and describes EPA's compliance review and decision—most notably, any changes that have occurred since the original certification. The CARDS also list additional EPA technical support documents and any other references used by EPA in rendering its decision on compliance. All technical support documents and references are available in Air Docket A-98-49, with the exception of generally available references and those documents already maintained by DOE or its contractors in locations accessible to the public. For more detailed information on EPA's recertification decision, there are a number of technical support documents available. These are found in Air Docket A-98-49, Category II-B1.

##### B. WIPP Web Site, Listserv, Information Line, and Mailing List

For more general information and updates on EPA's WIPP activities, please visit our WIPP Internet homepage at <http://www.epa.gov/radiation/wipp>. A number of documents (including DOE-submitted recertification materials, letters, **Federal Register** notices, outreach materials, hearings transcripts, as well as technical support documents) are available for review or download (in Adobe .pdf format). The Agency's WIPP-NEWS service, which automatically e-mails subscribers with up-to-date WIPP announcements and information, is also available online. Any individuals wishing to subscribe to

the listserv can join by visiting [https://lists.epa.gov/read/all\\_forums/subscribe?name=wipp-news](https://lists.epa.gov/read/all_forums/subscribe?name=wipp-news) or by following the instructions listed on our WIPP Web site. Interested citizens may also contact EPA's toll-free WIPP Information Line at 1-800-331-WIPP. The information line offers a recorded message regarding current EPA WIPP activities, upcoming meetings, and publications. Callers are also offered the option of joining EPA's WIPP mailing list. Periodic mailings, including a WIPP Bulletin and fact sheets related to specific EPA activities, are sent to members of the mailing list (currently over 2,000 members).

##### C. Dockets

In accordance with 40 CFR 194.67, EPA maintains public dockets (FDMS Docket ID No. EPA-HQ-OAR-2004-0025 and Air Docket A-98-49) that contain all the information used to support the Agency's decision on recertification. The Agency established and maintains the formal rulemaking docket in Washington, DC, as well as informational dockets in three locations in the State of New Mexico (Carlsbad, Albuquerque, and Santa Fe). The docket consists of all relevant, significant information received to date from outside parties and all significant information considered by EPA in reaching a recertification decision regarding whether the WIPP facility continues to comply with the disposal regulations. EPA placed copies of the CRA in Category II-B2 of Air Docket A-98-49. The Agency placed supplementary information received from DOE in response to EPA requests in Category II-B2.

As part of the eRulemaking Initiative under the President's Management Agenda, the Federal Docket Management System (FDMS) was established in November 2005. FDMS was created to better serve the public by providing a single point of access to all federal rulemaking activities.

The final recertification decision and supporting documentation can be found in hard-copy form primarily in the following categories of Docket A-98-49: Category II-B1 (technical support documents, reports, etc.), Category II-B2 (DOE submissions and responses to EPA requests), Category II-B3 (EPA correspondence to DOE, public comments) and Category II-B4 (final recertification **Federal Register** notice, CARDS). Interested parties may also search online in FDMS Docket ID No. EPA-HQ-OAR-2004-0025 for any of these documents by title or key word(s). For more information related to EPA's public dockets (including locations and

hours of operation), please refer to Section 1.A.1 of this document.

#### VIII. What happens next for WIPP? What is EPA's role in future WIPP activities?

EPA's regulatory role at WIPP does not end with its first recertification decision. The Agency's future WIPP activities will include additional recertifications every five years, review of DOE reports on conditions and activities at WIPP, assessment of waste characterization and QA programs at waste generator sites, announced and unannounced inspections of WIPP and other facilities, and if necessary, modification, revocation, or suspension of the certification.

Although not required by the Administrative Procedures Act (APA), the WIPP LWA, or the WIPP Compliance Criteria, EPA intends to continue docketing all inspection or audit reports and annual reports by DOE on conditions and activities at the WIPP.

Future recertification processes will be similar to the process completed by EPA for this first recertification, as described in today's action. For example, EPA will publish a **Federal Register** notice announcing its receipt of the next compliance application and our intent to conduct such an evaluation. The application for recertification will be placed in the docket, and at least a 30-day period will be provided for submission of public comments. Following the completeness determination, EPA's decision on whether to recertify the WIPP facility will again be announced in a **Federal Register** notice (§ 194.64).

Dated: March 29, 2006.

**Elizabeth Cotsworth,**

*Director, Office of Radiation and Indoor Air.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 060216045-6045-01; I.D. 040406B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is closing directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2006 red king crab prohibited species catch (PSC) limit that is specified for the RKCSS of the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 5, 2006, through 2400 hrs, A.l.t., December 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP

appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 red king crab PSC limit specified for the RKCSS is 42,495 animals as established by the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006).

In accordance with § 679.21(e)(7)(ii)(B), the Administrator, Alaska Region, NMFS, has determined that the amount of the 2006 red king crab PSC limit specified for the RKCSS has been caught. Consequently, NMFS is closing the RKCSS to directed fishing for groundfish with non-pelagic trawl gear.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is

impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the RKCSS to directed fishing for groundfish with non-pelagic trawl gear. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 4, 2006.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 4, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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