

September 29, 2005, and published its first WIPP recertification decision on March 29, 2006 (71 FR 18010).

The EPA received the DOE's second CRA on March 24, 2009. The Agency deemed the CRA-2009 to be complete on June 29, 2010, and published the second WIPP recertification decision on November 18, 2010 (75 FR 70584).

The EPA received the Department's third CRA on March 26, 2014. The Agency deemed the CRA-2014 to be complete on March 10, 2017, and published the third WIPP recertification decision on July 10, 2017 (82 FR 33106).

The EPA received the Department's fourth CRA on March 19, 2019. After the EPA has determined that the application is complete, the Agency will review the CRA-2019 to ensure that all of the changes made at the WIPP since the third recertification process have been accurately reflected and that the facility will continue to safely contain TRU radioactive waste. An approved CRA-2019 (along with any supplemental completeness information submitted by the DOE) would serve as the baseline for the next recertification that will occur starting in 2024.

With today's notice, the Agency solicits public comment on the DOE's documentation of whether the WIPP facility continues to comply with the disposal regulations. An electronic copy of the application is available for review and linked on the EPA's WIPP website (<https://www.epa.gov/radiation/certification-and-recertification-wipp#2019>). Additional background information related to the Agency's recertification activities is available in the public dockets and on this website. The EPA will evaluate DOE's complete application and make a determination whether the WIPP continues to comply with the radiation protection standards for disposal. The EPA will consider public comment and other information relevant to the WIPP's compliance. The Agency is most interested in public comment on issues where changes to the disposal system have occurred that may potentially impact the WIPP's ability to remain in compliance with requirements in the EPA's disposal regulations, as well as any areas where the public believes that changes have occurred that have not been identified by the DOE.

The EPA's first step in the recertification process is a "completeness" determination of DOE's application. The EPA will make this completeness determination as a first step in its more extensive technical review of the application. This determination is based on a number of the Agency's WIPP-specific guidances,

most notably, the "Compliance Application Guidance" (CAG; EPA Pub. 402-R-95-014) and "Guidance to the U.S. Department of Energy on Preparation for Recertification of the Waste Isolation Pilot Plant with 40 CFR parts 191 and 194" (Docket A-98-49, Item II-B3-14; December 12, 2000). Both guidance documents include guidelines regarding: (1) Content of certification/recertification applications; (2) documentation and format requirements; (3) time frame and evaluation process; and (4) change reporting and modification. The Agency developed these guidance documents to assist the DOE with the preparation of any compliance application for the WIPP. It is the EPA's intent that these guidance documents give the DOE and the public a general understanding of the information that is expected to be included in a "complete" application of compliance. However, the DOE does not have to resubmit information already supplied to the EPA in prior recertification applications. The focus of each recertification is on any changes to the disposal system since the previous recertification decision. The EPA may request additional information as necessary from the DOE to ensure the completeness of the CRA.

Once the 2019 recertification application is deemed complete, the EPA will provide the DOE with written notification of its completeness determination and publish a **Federal Register** document announcing this determination. All correspondence between the EPA and the DOE regarding the completeness of the CRA-2019, and any additional information sent by the DOE, such as the supplementary results and calculations planned for submittal in December 2019, will be placed in the public docket (via [www.regulations.gov](http://www.regulations.gov)) and linked on the Agency's WIPP website (<https://www.epa.gov/radiation/certification-and-recertification-wipp#2019>).

The EPA will make a final decision as to whether the WIPP continues to meet the disposal regulations after each of the aforementioned steps (*i.e.*, technical analysis of the application, issuance of a notice on the CRA-2019's completeness in the **Federal Register**, and analyses of public comment) have been completed. As required by the LWA, the Agency will make a final recertification decision within six months of issuing its completeness determination.

#### List of Subjects in 40 CFR Parts 191 and 194

Environmental protection, Radiation protection, Transuranic radioactive

waste, Waste isolation pilot plant, Waste treatment and disposal.

Dated: September 12, 2019.

**Jonathan D. Edwards,**

*Director, Office of Radiation and Indoor Air.*

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## FEDERAL MARITIME COMMISSION

### 46 CFR Part 545

[Docket No. 19-05]

RIN 3072-AC76

### Interpretive Rule on Demurrage and Detention Under the Shipping Act

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** The Federal Maritime Commission is seeking public comment on its interpretation of the Shipping Act prohibition against failing to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property with respect to demurrage and detention. Specifically, the Commission is providing guidance as to what it will consider in assessing whether a demurrage or detention practice is unjust or unreasonable. Upon consideration of the request of the Agriculture Transportation Coalition (AgTC), the Commission has determined to extend the comment period in this matter to October 31, 2019.

**DATES:** Comments on the notice of proposed rulemaking, published on September 17, 2019 (84 FR 48850), are due on or before October 31, 2019.

**ADDRESSES:** You may submit comments by the following methods:

- *Email:* [secretary@fmc.gov](mailto:secretary@fmc.gov). Include in the subject line: "Docket 19-05, Demurrage & Detention Comments." Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Only non-confidential and public versions of confidential comments should be submitted by email.

- *Mail:* Rachel E. Dickon, Secretary, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573-0001.

**FOR FURTHER INFORMATION CONTACT:** Rachel E. Dickon, Secretary; Phone:

(202) 523-5725; Email: *secretary@finc.gov*.

**Rachel Dickon,**  
*Secretary.*

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