

1/11 - Cpt to Huzar & Newsgen



January 7, 1994

POLICY ISSUE **(Information)**

SECY-93-280A

FOR: The Commissioners

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: ADDENDUM TO SECY-93-280 - ENVIRONMENTAL PROTECTION AGENCY'S
REQUEST TO UTILIZE TECHNICAL ASSISTANCE SUPPORT FROM THE
NUCLEAR REGULATORY COMMISSION'S FEDERALLY FUNDED RESEARCH
AND DEVELOPMENT CENTER, THE CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

PURPOSE:

To supplement SECY-93-280 seeking Commission approval for the Environmental Protection Agency (EPA) to contract with the Center for Nuclear Waste Regulatory Analyses (CNWRA or the Center) to support EPA's high-level waste (HLW) activities at the Waste Isolation Pilot Plant (WIPP). This addendum provides the status of EPA's procurement activity and addresses NRC concerns stemming from recent actions that EPA took in this area.

DISCUSSION:

In anticipation of the Commission's consent to contract with the Center, EPA issued a "Potential Sources Sought" announcement in the Commerce Business Daily on September 24, 1993. The announcement addressed technical support for evaluation of WIPP. EPA issued a modified announcement that clarified conflict-of-interest requirements on October 19, 1993. On December 15, 1993, NRC staff learned that EPA had cancelled the announcement in its entirety.

NOTE: TO BE MADE PUBLICLY AVAILABLE
WHEN THE FINAL SRM AND
SECY-93-280 ARE MADE AVAILABLE

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The staff became concerned about EPA's intent to contract with the Center.

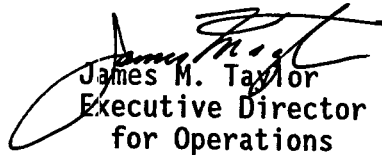
NRC staff met on December 20, 1993, with EPA to discuss the status of EPA's work requirements for the Center. During the meeting, EPA management indicated that the procurement will be delayed several months (until approximately June 1994) to allow sufficient time to determine how best to proceed. After a determination is made, EPA intends to proceed with the procurement. EPA does not plan to substantially change the work requirement for the Center described in SECY-93-280. EPA indicated it would be helpful if the Commission could reach a decision on consent at this time.

RECOMMENDATIONS:

The NRC staff continues to recommend Commission approval of EPA's request for Center support, contingent on the conditions defined in SECY-93-280. Further, both the NRC staff and EPA agree that it would be advantageous for EPA to learn now if NRC will permit EPA to fund work at the CNWRA and to learn of any conditions NRC might attach.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection.


James M. Taylor
Executive Director
for Operations

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