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October 13, 1993

POLICY ISSUE
(Notation Vote)

SECY-93-280

FOR: The Commissioners
FROM: James M. Taylor
Executive Director for Operations
SUBJECT: 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 -
REFERENCE SECY-92-207 AND MEMORANDUM OF JULY 10, 1992

PURPOSE:

To seek Commission approval for the Environmental Protection Agency (EPA) to contract with the Center for Nuclear Waste Regulatory Analyses (CNWRA or the Center) to support the EPA's high level waste (HLW) activities at the Waste Isolation Pilot Plant (WIPP). This paper also responds to the Staff Requirements Memorandum (SRM) of July 10, 1992, requesting additional information on conflict of interest (COI) issues related to the Center's performing work for EPA.

SUMMARY:

EPA has requested approval from NRC to contract with the Center to assist in its review of the Department of Energy's (DOE's) certification of compliance at WIPP. The majority of this support would be directed toward review of the DOE performance assessment of WIPP. In addition, EPA seeks technical assistance in preparing a format and content guide and developing a review

Contact: Shirley L. Fortuna, NMSS
504-2427

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plan for performance assessment at WIPP, and in developing an in-house performance assessment capability at EPA. EPA has committed that it will not involve the Center in policy development.

For NRC to permit the Center to assist EPA, the five conditions documented in SECY-92-207 must be met, as well as all governing contractual requirements and NRC's implementing procedures. In addition, the staff must obtain Commission approval for the initial Center effort, consistent with the Chairman's request made at the March 17, 1992, briefing by the Center. This paper provides the status of the five conditions and seeks the Commission's approval for initial Center support to EPA.

EPA estimates that it will require six months or more to complete all contractual requirements within EPA. Because of time constraints, EPA has submitted their potential statement of work and requested NRC to review and advise them of its acceptability. The NRC staff has reviewed the proposal and has initiated the steps required by governing rules, regulations, and NRC's implementing procedures. The staff will complete this review in two phases. The potential statement of work has been evaluated and the results are presented in this Commission paper. EPA and the Center, in parallel with the Commission's review, will continue to prepare and submit the remaining required material. If Commission approval is received, the NRC staff will complete its evaluation. If the justification package meets the requirements in the Federal Acquisition Regulation (FAR), restrictions in NRC's contract with the Southwest Research Institute (SwRI) for operations of the Center, NRC's implementing procedures, and the priorities of the currently approved program and the proposed work, EPA's request will be approved.

BACKGROUND:

SwRI has operated the Center in support of the NRC's High-Level Waste Management (HLWM) Program for nearly 6 years and presently employs 52 core professional staff. Approximately two-thirds of the Center's resources are used for technical assistance which includes support of regulatory development, review of the ongoing DOE HLWM disposal program, and development of license application review capability. The remaining third of the Center's resources is devoted to HLWM research.

NRC's contract with SwRI permits the Center to perform work for others or for NRC, within its purpose, scope, mission, and/or areas of special competency. This would include work for other government agencies, commercial organizations, and foreign entities. However, to avoid the potential for conflict of interest, NRC's implementing procedures specifically state that "...the Center shall not undertake any work under these procedures for DOE, contractors under the DOE nuclear waste program, and States and affected Tribes that may participate in the process of siting, developing, designing, licensing, operating, or decommissioning the HLW repository."

EPA is seeking the Center's assistance to help it discharge its responsibilities under the Waste Isolation Pilot Plant Land Withdrawal Act of 1992 (Withdrawal Act). In part, this Act requires EPA to issue final HLW

disposal standards that apply to disposal sites other than Yucca Mountain. (There is a significant potential for NRC implementation of these standards, since NRC would have licensing authority for the disposal of any defense-only HLW or commercial Greater-Than-Class-C waste that might be pursued at a site away from the Yucca Mountain facility.) EPA is to develop criteria for the Administrator's certification of compliance with those standards and to determine whether the WIPP facility will comply. EPA anticipates promulgating the standards in the fall of 1993; the Center will not be involved. The Center would support development of criteria to certify compliance with the standards at WIPP and the determination of whether DOE is in compliance, principally in the technical area of performance assessment.

Separately, under the Energy Policy Act of 1992 (Energy Act), EPA is required to promulgate HLW standards that apply only to Yucca Mountain. These standards are to be consistent with recommendations of a study by the National Academy of Sciences (NAS) that is now underway, and are scheduled for completion by the end of 1995. In the following year, NRC is required to revise its regulations, as needed, to be consistent with EPA's HLW standards for Yucca Mountain.

DISCUSSION:

EPA has requested NRC's approval to contract with the Center to assist in its review of DOE's compliance with environmental regulations at the WIPP site (Enclosure 1). Attachment 1 to the letter outlines the support sought from the Center. Attachment 2, to the letter discusses user needs, work scope, and product applications. In these documents, EPA describes a need for three to ten full-time equivalent (FTE) staff for up to five years. In subsequent discussions, EPA narrowed its range of FTE needs to five to eight. They also indicated that they anticipate needing assistance for substantially longer than five years. However, regulations limit EPA to a five-year contract, and EPA wants to evaluate the relationship that develops among NRC, the Center, and EPA before committing to a longer association.

EPA has requested Center support for two reasons. First, EPA is aware of the expertise that the Center has accrued in supporting the pre-licensing consultation activities of the NRC with DOE. Second, EPA wants access to a contractor with performance assessment expertise and no current or potential ties to DOE.

EPA proposes to have the Center assist in developing a Format and Content Guide for DOE's performance assessment reports and a performance assessment review plan. The Center would use the plan to support EPA in reviewing DOE performance assessment activities and identifying specific models for special in-depth review and operation or verification, independent of DOE. The Center would also assist EPA in developing its in-house capability to review performance assessments, and participate in meetings where performance assessment is the topic of discussion. In addition to assistance in performance assessment, EPA may have the Center conduct some field and laboratory experiments and provide technical support on compliance criteria

issues related to its disposal standards. EPA anticipates that the need for this type of support will be very limited.

EPA has committed that it will not involve the Center in policy development.

As documented in SECY-92-207, the staff considers that five conditions must be met before the Center can be permitted to assist EPA. In addition, consistent with the Chairman's request made at the March 17, 1992, briefing by the Center, the staff must obtain Commission approval for this initial Center effort.

The five conditions are:

- (1) Work must be contracted in accordance with the FAR;
- (2) The Center's Performance Assessment Center of Excellence is enlarged to accommodate the additional scope of work;
- (3) Additional resources will be provided for NRC staff to establish administrative arrangements with the Center, to support additional interaction and coordination with EPA and to maintain cognizance of Center support for EPA;
- (4) The acceptance of work for others would not have any adverse impact on NRC's HLWM Program; and
- (5) There are no ongoing significant technical nor administrative problems related to Center activities, and the acceptance of work for others would not create any.

Each of these conditions is discussed separately below:

- (1) Work must be contracted in accordance with the FAR.

The FAR requires EPA to provide a justification, as required by FAR Subsection 6.302, for other than full and open competition, and documentation, as required by FAR Subsection 17.504(e), supporting the finding that the work will not place the Center in direct competition with domestic private industry.

EPA estimates that compliance with these requirements will require six months or more. Therefore, EPA and NRC staff have agreed that EPA will address these requirements and NRC will review the proposal, in parallel, to make the procurement as timely as practical. The balance of this paper presumes that EPA will satisfy the staff that these requirements have been met.

- (2) The Center's Performance Assessment Center of Excellence is enlarged to accommodate the additional scope of work.

As stated above, EPA initially anticipates work for five to eight FTE for at least five years. It will not be possible to divert Center staff presently involved in performance assessment, to support EPA. Therefore, the Center will need to hire additional staff and/or obtain consultants to perform the EPA work.

It is important that the Center hire new staff in such a way that the NRC HLWM Program will not be de-stabilized if EPA elects to terminate its program after five years. The preferable approach would be for the Center to absorb the new staff when the EPA work is ended. However, NRC, SwRI and the Center recognize that HLWM Program resources have been and will probably continue to be limited. Therefore, the preferable approach may not be feasible. SwRI (upon termination of a work for others program, such as EPA) has committed to absorb the new hires which cannot be supported by NRC's HLWM Program at the Center. Center staffing plans should be based on SwRI's commitment and the use of methods of obtaining staff such as limited-term appointments which anticipate termination of the EPA work. However, to ensure the preferable approach (when feasible) can be attained, the Center, in consultation with NRC, should hire new staff with the expectation that they will be absorbed into the HLWM Program at the Center.

The staff recommends that Commission approval be contingent on these points.

- (3) Additional resources will be provided for NRC staff to establish administrative arrangements, support interaction with EPA, and maintain cognizance of Center support for EPA.

Additional resources required to maintain cognizance of Center support for EPA will be met by current NMSS staff by the streamlining of administrative actions related to the project management of the Center and by reassigning staff priorities. Reassignment of priorities will result in limited slippages of NMSS staff performance assessment products related to the Yucca Mountain site.

- (4) The acceptance of work for others would not have any adverse effect on NRC's HLWM Program.

Staff has identified three impacts on NRC's HLWM Program. The following is a discussion of those impacts with potential advantages and disadvantages:

The principal impact is the advantage that the increase in staffing levels will allow the CNWRA to broaden the current base of expertise and to enhance the depth of available expertise in selected areas. The increased size and scope of the CNWRA program will better position the Center to recruit the most highly qualified performance assessment professionals, who are in short supply. Increased flexibility, associated with a greater variety and scope of available tasks and a larger pool of co-workers, will enhance the professional environment at

the Center. This will create the opportunity for staff members, working on EPA projects, NRC projects, or both, to benefit from shared experience.

A second impact arises from the Center's potential exposure to controversial situations, if it supports EPA at WIPP. EPA's conclusions concerning WIPP will almost certainly be challenged by one or more parties. If the Center is involved, Center staff will gain direct experience in how technical judgments and documentation may be challenged in an adversarial proceeding. The extent to which this experience will be helpful will depend on how much the EPA certification process resembles the licensing process NRC has stipulated for Yucca Mountain.

A third impact occurs because the Center would be involved in two parallel regulatory development programs, one driven by the Energy Act and one driven by the Withdrawal Act. Under the Energy Act, when EPA has developed the HLW standard to be used exclusively at Yucca Mountain, the Center will support NRC's review and comment on that standard. Later, it will support any needed revisions of NRC's regulations that implement the standard.

Under the Withdrawal Act, EPA will have completed a HLW disposal standard to be applied at WIPP and elsewhere. EPA proposes here that the Center support development of criteria for WIPP for certification of compliance with that standard. EPA's proposal focuses on performance assessment, but also has the potential for the development of more general criteria for WIPP for certification of compliance. Thus the Center could have a technical role in developing compliance criteria for the generally applicable HLW standard, for which EPA has certification responsibility and NRC has licensing authority.

An advantage here is that the use of the same contractor, by EPA and NRC, for technical support, in the implementation of the HLW disposal standards, will promote uniformity, where the standards are compatible, and mutual understanding of the nuances of the standards, and their technical bases, where the standards are inconsistent. The methodologies to conduct performance assessments, treat conceptual model uncertainty, determine sensitivity, and handle the propagation of uncertainty should be similar for both standards. The Center would be a conduit where the advances in any of these areas will be more readily available to both EPA and NRC.

It should be noted that the staff anticipates reviewing the compliance criteria formally because the criteria have the potential to influence NRC's regulations and guidance that implement the EPA HLW standard at Yucca Mountain and elsewhere. The staff had intended to use the Center to support these reviews. However, EPA's proposal could limit the Center's role in critiquing the technical support on the compliance criteria, since it is not good regulatory practice from the standpoint of conflict of interest for the Center to review its own work.

- (5) There are no ongoing significant technical nor administrative problems related to Center activities, and the acceptance of work for others would not create any.

As reflected in the latest Center Review Group Award Fee evaluation, the Center's overall performance was considered excellent. There are currently no significant ongoing technical or administrative problems related to Center activities. However, acceptance of work for others does introduce several potential problems. First, the initiation of the effort will almost certainly draw on some present Center staff, thereby potentially delaying some NRC products. In discussions with EPA, they have indicated that they plan to slowly phase in the work to be placed at the Center. If the work can be phased in at about the rate the Center hires additional staff, this concern would be mitigated. However, it will be necessary to ensure a balance between increasing the Center's effort to support EPA and increased Center capacity. This will require NRC, EPA, and Center management attention, and a method of resolving potential conflicts that arise. In fact, there is potential for such conflicts for the duration of the EPA effort. The staff, therefore, recommends that NRC approval be contingent on reaching agreement with EPA on procedures for resolving them.

Center management and staff diversion from NRC work, through performance of work for others, is a generic concern that applies to all programs outside of NRC's HLWM Program under the Nuclear Waste Policy Act (NWPA). A related concern is that the Center's flexibility for tasking by NRC will be reduced. For these reasons, the work-for-others program is, and will continue to be, carefully monitored and evaluated by NRC and Center management, to ensure that significant impacts on NRC's HLWM Program are avoided.

A substantive concern is that downsizing the Center, after termination of the work for EPA, could be extremely disruptive. The mechanics of reassigning staff are discussed in (2), above. In addition, the timing of any EPA decision to terminate the work should permit as gradual a change as practical. EPA plans to begin their review of this effort three years into the contract and inform both the Center and NRC of their decision approximately six months later. If their decision is to terminate their contract with the Center, EPA will slowly phase the work out, to give the Center reasonable time to make required adjustments to Center staff. The staff recommends that NRC approval be contingent on formalization of this commitment.

On balance, the staff considers that the advantages of Center involvement in the WIPP process outweigh the potential disadvantage.

CONCLUSIONS:

The NRC staff believes the five conditions discussed above either have or can be met and that the advantages of allowing the Center to support EPA at WIPP,

on balance, outweigh the disadvantages. The Center is expected to gain valuable experience that it can apply to its HLW activities at Yucca Mountain, and can increase the breadth and depth of its technical competence through its increased size. Further, the staff expects that EPA will benefit from the past six years of Center activities on behalf of NRC. This will translate into savings in resources for EPA and the U.S. Government, as a whole.

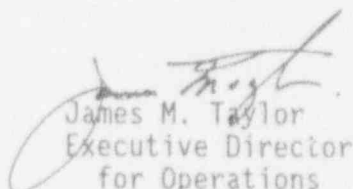
RECOMMENDATION:

The NRC staff recommends that the Commission approve EPA's request for Center support in reviewing DOE's certification of compliance at WIPP. The approval should be contingent on:

1. The Center hiring additional staff or obtaining subcontractor or consultant support for EPA work, to minimize the impact on NRC HLWM activities;
2. The Center hiring new staff (in consultation with NRC) in such a way that the NRC HLWM Program will not be de-stabilized if EPA elects to terminate its program after five years;
3. EPA agreeing to slowly phase the work in, and at the end of the project, slowly phase the work out, to give the Center reasonable time to make required adjustments to its staff; and
4. An agreement being reached between EPA and NRC, defining procedures to be followed in resolving potential interagency conflicts arising from use of Center staff.

COORDINATION:

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


James M. Taylor
Executive Director
for Operations

Enclosures:

1. Ltr fm M. Oge (EPA) to R. Bernero
(undated)
2. Meeting Summary of 08/17/93

Commissioners' comments or consent should be provided directly to the Office of the Secretary by COB Thursday, October 28, 1993.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Thursday, October 21, 1993, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

Robert M. Bernero, Director
Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Bernero:

Thank you for your April 9, 1993 response to our request to use the Nuclear Regulatory Commission's (NRC) Center for Nuclear Waste Regulatory Analyses (the "Center"). We are interested in potentially pursuing a contract with the Center for assistance in our review of the Department of Energy's (DOE) regulatory compliance at the Waste Isolation Pilot Plant (WIPP).

The majority of the activities in which the Center could assist us involves reviewing DOE annual performance assessments and developing a WIPP performance assessment review plan. We are also interested in having the Center conduct in-depth reviews of selected scenarios and computer models that may involve reproducing some of DOE's performance assessments results.

We anticipate that the Center could also help us prepare a format and content guide that DOE could use when submitting WIPP performance assessment reports. Lastly, we would like the Center to help us develop our in-house capability to conduct and review performance assessments. These activities would involve the Center's expertise in areas such as hydrogeology, geochemistry, computer modeling and performance assessment. The potential level of effort by the Center would be the equivalent of three to ten FTE for up to five years. The proposed activities are presented in more detail in an attached draft statement of work with proposed activities (Attachment 1). We have provided similar information on the nature and scope of potential activities in a format which we understand will be familiar to the NRC (Attachment 2).

These potential activities are of a technical nature and do not involve the Center in policy development. As such, the Center's activities on behalf of EPA should produce no conflicts of interest with your program.

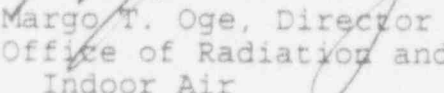
ENCLOSURE 1

I would appreciate it if you could review the Center's potential activities as described here and let us know soon if they are acceptable.

If you have any questions or concerns, please contact Tom Peake of my staff. He can be reached at (202) 233-9765.

Thank you.

Sincerely,


Margo T. Oge, Director
Office of Radiation and
Indoor Air

Attachments

Attachment 1

Potential Statement of Work

- I. *WIPP Performance Assessment and Test Phase Activities*
- A. Assist EPA develop plans for reviewing DOE WIPP activities, including a **performance assessment review plan**.
- B. Assist EPA develop a **Format and Content Guide** for DOE submissions of **PA reports** and application for compliance certification.
- C. Use the **performance assessment review plan** to review the DOE **WIPP Performance Assessment** activities, reports. Review related information, such as DOE's test and retrieval plans. These reviews shall include, but need not be limited to:
- 1) reviewing the technical assumptions (e.g., parameter values) and the quality of data used;
 - 2) reviewing the collection and use of data;
 - 3) reviewing, evaluating, and performing independent performance assessment sensitivity and uncertainty analyses;
 - 4) reviewing the plausibility of scenarios;
 - 5) reviewing the conceptual and computer models used by DOE in performance assessments (examples of the types of models used are radionuclide transport, retardation, hydrogeologic and geochemical models, probability models and source term analysis models);
 - 6) identifying data, data completeness, representativeness and other information problems in the performance assessment and test phase activities, and provide recommendations to EPA on information or studies needed to fill data gaps in the performance assessment reports and test phase activities.
 - 7) reviewing the strengths and weakness of the DOE performance assessment approach to complying with 40 CFR 191.
- D. Identify specific models for special in-depth review and running of models independent of the Department of Energy, or for verification purposes. (Quality assurance plans are required for efforts involving development of computer code.)

- E. Conduct field and laboratory experiments as identified by EPA. These experiments could involve characterizing the sources, pathways, or transport of radioactive materials from and through air, water, and soils/geologic formations. (Quality assurance plans are required for efforts involving environmental measurements, including the sample collection.)
- F. Provide technical support on compliance criteria issues related to disposal standards. This may involve assisting in the development of support documentation for applicable requirements, or analysis of regulatory and technical requirements or criteria, and their implementation.

II. *General Support*

- A. Assist EPA to develop in-house capability to review performance assessments. This will consist of activities such as, but not limited to, training EPA personnel on using WIPP-related computer models, arranging for computer models to be used on EPA personal or mainframe computers, and general performance assessment training.
- B. Develop technical support documents, such as reports on the results of the contractor's DOE reviews and background information documents (BID).
- C. Attend and participate at meetings/forums where performance assessment is the topic of discussion. (Attendance must be approved by EPA and will be linked in all instances to a demonstrated need to do so in order to complete tasks under this contract.) Maintain record of selected meetings. The contractor personnel will appropriately announce (e.g., wear name tags that have the affiliation) their affiliations when attending meetings, conferences, workshops or other forums.

USER NEED:

EPA needs to evaluate the Department of Energy's (DOE) performance assessment (PA) activities related to the Waste Isolation Pilot Plant (WIPP), a potential geologic repository for transuranic radioactive waste in New Mexico. EPA would like to access a contractor with performance assessment expertise for technical assistance. It is also important that the contractor have no current or future conflict of interest with the Department of Energy. The Center for Nuclear Waste Regulatory Analysis (the Center), an NRC Federally Funded Research and Development Center, is such a potential contractor.

The consequences of not contracting the Center would be to 1) eliminate a potential conflict-of-interest-free source of expertise that could make a valuable contribution to the WIPP PA activities, and 2) slow EPA's Congressionally mandated review of DOE's PA activities.

POTENTIAL SCOPE OF WORK:

The contractor would provide technical assistance to EPA for technical activities related to EPA's review of WIPP performance assessments conducted by DOE. This assistance would include but is not limited to 1) in-depth reviews of selected scenarios and computer models that may involve reproducing some of the DOE's PA results, 2) potentially reproducing some of DOE's field or laboratory results, 3) assisting EPA prepare a format and content guide for DOE to use when submitting WIPP PA and compliance certification materials; and, 4) developing EPA's in-house capability to conduct and review performance assessments.

The proposed activities are presented with more detail in an attached draft statement of work.

PRODUCT APPLICATIONS:

The primary products of the contractor's assistance are reviews of WIPP performance assessment related information, associated reports, and other technical documents. The reviews will provide information that EPA can use in its comments to DOE on the WIPP.

The Center will not be involved in policy development.

MEETING SUMMARY
August 17, 1993

SUBJECT: NRC/EPA MEETING TO DISCUSS EPA'S POSSIBLE USE OF CENTER FOR
NUCLEAR WASTE REGULATORY ANALYSES SUPPORT FOR WIPP
DATE AND PLACE: August 17, 1993, Washington, D.C.
AUTHOR: S. Fortuna

ATTENDEES:

NRC	EPA
M. Knapp	C. Petti
S. Fortuna	T. Peake
B. Meehan	T. Margulies

SUMMARY:

The purpose of this meeting was to discuss issues related to EPA's request for approval from NRC to contract with the Center for Nuclear Waste Regulatory Analyses (the Center) for assistance in their review of DOE's certification of compliance at WIPP. Significant discussions that occurred are summarized below.

The meeting began with a discussion of the status of EPA's procurement process. Tom Peake indicated that they have requested their contracts office to give this procurement high priority. He indicated that the package including NRC's letter from the Division of Contracts is currently being reviewed by their contracting office which is located in North Carolina. However, even if it is given high priority, it will still take six months or more to complete all contractual requirements. Mal Knapp explained the two phase approach NRC is taking to review EPA's request. He explained that prior to approving EPA's request the NRC staff must obtain Commission approval for the initial Center effort. To accommodate EPA's time constraints, the staff has reviewed EPA's proposal and is presenting the results of its review in a Commission paper which they anticipate having through required concurrence in September. In parallel with the Commission's review, the staff will continue to review any additional material received from EPA. If Commission approval is received and EPA's justification package meets the requirements in the FAR, governing regulations, restrictions in NRC's contract with SwRI and NRC's implementing procedures, EPA's request will be approved.

The status of the WIPP Standards were then discussed. Caroline Petti explained that EPA expects the standards will be finalized in late August or early September of this year. Once finalized they will apply to WIPP and other radioactive waste disposal not covered under the Nuclear Waste Policy Act. The final standards will be in place prior to EPA's proposed use of the Center. Mal Knapp asked what contractor EPA has been using to provide support for WIPP efforts. EPA responded that they have been using Sanford Cohen and Associates (SCA) but the SCA contract does not have the capacity for the increase in WIPP activity expected in FY 1994. NRC asked if EPA saw any impact on NRC's High-Level Waste Management (HLWM) as a result of the WIPP support they would require from the Center. Tom Peake stressed that the Center would only be providing technical support to EPA in determining DOE's

compliance with the WIPP standards. The Center would have no involvement with development of the standards themselves since they will be complete. He also stressed that the Center would not be used for any policy development. This type of support, if required, would be provided by a separate contractor.

EPA said that the five year limitation for technical assistance from the Center mentioned in the Oge-to-Bernero letter is due to the Federal five year limitation on contracts. EPA said that it anticipates needing technical assistance at WIPP for considerably longer than five years. However, EPA plans to review the relationship that EPA, the Center and NRC will have after three years. If the review results are positive, EPA would probably continue the relationship. If not, EPA would advise NRC and the Center at about three and one half years to provide time for an orderly closeout. EPA also said that the estimate of three to ten staff mentioned in the Oge-to-Bernero letter has become more focussed; at present EPA believes the range will be closer to five to eight FTE.

EPA anticipates initiating the effort gradually, hopefully at a rate consistent with the Center's need to hire additional staff. EPA anticipates that several of the FTE would be used for individuals who are committed to the EPA project; the remainder of the FTE would be used for fractions of the work of a number of others at the center, to take advantage of their expertise.

EPA said that the field and laboratory work identified in Item I(E) of the Oge-to-Bernero letter and the technical support on compliance criteria identified in item I(F) are not anticipated to be substantial efforts. Rather, EPA has included them in order to be able to task the Center if the need arises.

EPA and NRC agreed to communicate again before the end of September to discuss both agencies' progress.


Tom Peake, EPA


Malcolm Knapp, NRC