

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR
2/24/94
date initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROGERS

SUBJECT: 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 - REFERENCE
SECY-92-207 AND MEMORANDA OF JULY 10, 1992

APPROVED ^{Subject} DISAPPROVED _{comments} ABSTAIN
_{KCH}

NOT PARTICIPATING REQUEST DISCUSSION

COMMENTS: SEE ATTACHMENT. _{KCH}

280059

Kenneth C. Rogers
SIGNATURE

November 26, 1993
DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" YES No

9403040276 931126
PDR COMMS NRCC
CORRESPONDENCE PDR

DF02

Commissioner Rogers' Comments on SECY-93-280:

I approve EPA's request for Center for Nuclear Waste Regulatory Analyses (CNWRA) support contingent on the four conditions specified in the paper and an additional condition discussed below.

I am concerned that the specific nature of the support requested by EPA could compromise the CNWRA's ability to provide the NRC with objective technical and policy advice on several matters related to NRC's eventual implementation of EPA's HLW standards.

EPA has requested that the CNWRA assist in its certification review of the Waste Isolation Pilot Plant (WIPP). The desired assistance would include reviewing DOE's performance assessment, preparing a format and content guide, and developing a review plan for performance assessment at WIPP. The work would support development of criteria to certify compliance with the EPA standards that would apply at WIPP (and, as the staff notes in the paper, would apply to a HLW repository at any site other than Yucca Mountain).

In draft form, these were essentially the same standards on which the NRC staff commented and, with the approval of the Commission, raised several substantive concerns. The more significant of these concerns are now being addressed by the National Academy of Sciences (NAS) in connection with EPA's development of standards for the Yucca Mountain site pursuant to the Energy Policy Act of 1992, however, these concerns remain unaddressed in the EPA standards that the CNWRA would apply at WIPP.

When the NAS has made its findings and made recommendations to EPA, EPA will issue standards for the Yucca Mountain site. NRC will have an opportunity to comment on and will subsequently amend 10 CFR Part 60 to implement EPA's Yucca Mountain standards. In undertaking both of these actions, the NRC may need objective advice from the CNWRA. Accordingly, I believe that, in performing its work for EPA, the CNWRA should remove itself from consideration of particular issues which could impair its ability to provide objective advice regarding the questions identified in Sec. 801(a)(2) and the NRC's implementation of Sec. 801(b)(2) of the Energy Policy Act of 1992.

With this additional condition, I approve the Staff's recommendation.

KLR 11/26/93