UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

REQUEST REPLY BY: 5/24/02

OFFICE OF THE SECRETARY

May 10, 2002

COMSECY-02-0024

Approved with comments, see attached.

Richard A. Meserve 5/21/02

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Andrew Bates
Federal Advisory Committee Management Officer

SUBJECT: RENEWAL OF ADVISORY COMMITTEE ON NUCLEAR WASTE CHARTER

The current ACNW Charter expires on May 24th. Attached is an updated Charter showing proposed changes from the existing Charter as provided by John Larkins. The changes broaden the scope of the committee to include nuclear materials as well as nuclear waste.

The ACNW Members suggested the change in the charter wording to more accurately reflect the Committee's current efforts, as well as prospective activities noted in its Action Plan. The members believe that the suggested changes not only would recognize, but would also formalize, the wide range of activities undertaken by the Committee in materials-related issues of interest to the Commission. In addition, the members believe that the proposed changes would increase the desirability of serving on the ACNW to an even larger spectrum of potential candidates and thus increase the number of qualified candidates in the pool.

Attachment: Revised ACNW Charter

cc: John Larkins, ACNW
EDO
OGC

CHAIRMAN MESERVE'S COMMENTS ON COMSECY-02-0024

COMSECY-02-0024 proposes renewal of the Advisory Committee on Nuclear Waste (ACNW) under an updated charter. Although I support this change because it reflects recognition of ACNW's current activities, the Office of General Counsel has advised that modifying the ACNW's charter requires, among other actions, consultation with the General Services Administration (GSA). Consequently, I approve the recommended changes subject to completion of the necessary administrative steps required by GSA Federal Advisory Committee Act regulations.

Because of the need to have a charter in place after May 24, I approve retaining the current ACNW charter for a brief interim period until the steps associated with modifying the charter have been accomplished.

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OFFICE OF THE SECRETARY

May 10, 2002

No objection.

Greta Joy Dicus
Greta Joy Dicus Date
May 17, 2002

COMSECY-02-0024

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Andrew Bates
Federal Advisory Committee Management Officer

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SECRETARY

Approve, with significant edits.

Nils J. Diaz 5/16/02

May 10, 2002

COMSECY-02-0024

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Andrew Bates
Federal Advisory Committee Management Officer

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cc: John Larkins, ACNW
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OGC

EC'D BY NJD-

9 MAY 02 11: 17

ORIGINAL

U.S. NUCLEAR REGULATORY COMMISSION
CHARTER
ADVISORY COMMITTEE ON NUCLEAR WASTE

1. The Committee's official designation:

   Advisory Committee on Nuclear Waste (ACNW)

2. The Committee's objectives, scope of activities and duties are as follows:

   The Committee shall report to and advise the Nuclear Regulatory Commission (NRC) on nuclear materials and waste management. The bases of ACNW reviews include the pertinent sections in 10 CFR Parts 20, 40, 50, 60, 61, 63, 70, 71 and 72, and other applicable regulations and legislative mandates highlighted by the Commission for ACNW advice and recommendations. In performing its work, the Committee will examine and report on those areas of concern referred to it by the Commission and may undertake studies and activities on its own initiative, as appropriate. Emphasis will be on protecting the public health and safety in the disposal of nuclear waste and the handling and processing of nuclear materials. The Committee will undertake studies and activities related to nuclear materials and waste management such as transportation, storage and disposal facilities, the effects of low levels of ionizing radiation, decommissioning, materials safety, ~~application of risk-informed, performance-based regulations,~~ and evaluation of licensing documents, rules and regulatory guidance. Application of risk-informed, performance-based regulations should be brought to bear only on those issues that are amenable to the approach. The Committee will interact with representatives of the public, NRC, ACRS, other Federal agencies, State and local agencies, Indian Tribes, and private, international and other organizations as appropriate to fulfill its responsibilities.

3. Time period (duration of this Committee):

   The Advisory Committee on Nuclear Waste is expected to be a continuing committee.

4. Agency or Official to whom this Committee reports:

   U.S. Nuclear Regulatory Commission

5. Agency responsible for providing necessary support to this Committee:

   U.S. Nuclear Regulatory Commission

6. The duties of the Committee are set forth in Item 2, above.

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REQUEST REPLY BY 5/24/02

OFFICE OF THE SECRETARY

May 10, 2002

COMSECY-02-0024

Approved subject to attached comments.
Ellen Gaffigan
5/10/02

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Andrew Bates
Federal Advisory Committee Management Officer

SUBJECT: RENEWAL OF ADVISORY COMMITTEE ON NUCLEAR WASTE CHARTER

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Commissioner McGaffigan's Comments on COMSECY-02-0024

I approve the renewal of the Advisory Committee on Nuclear Waste (ACNW) Charter and agree with the ACNW's proposed editorial changes to include a reference to nuclear materials in the charter. The proposed changes maintain the status quo and do not increase the scope of future ACNW activities. In the past, the Commission has asked the ACNW to perform reviews of materials issues regulated under the Parts of the regulations cited in the Charter, and most likely will do so again in the future. The proposed changes do not incorporate issues or regulations for which the Commission traditionally would not ask for ACNW involvement, such as the Part 30 series. I suggest one minor edit to clarify this point. Therefore, I believe the proposed changes should be included in the renewed charter to accurately reflect the work the Commission expects the ACNW to perform.

EMcG

U.S. NUCLEAR REGULATORY COMMISSION
CHARTER
ADVISORY COMMITTEE ON NUCLEAR WASTE

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   U.S. Nuclear Regulatory Commission

5. Agency responsible for providing necessary support to this Committee:

   U.S. Nuclear Regulatory Commission

6. The duties of the Committee are set forth in Item 2, above.

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WASHINGTON, D.C. 20555-0001

REQUEST REPLY BY: 5/24/02

REVISED VOTE
Denied. See attached comments.

Jeffrey S. Merrifield 5/20/02 Date

COMSECY-02-0024

OFFICE OF THE SECRETARY

May 10, 2002

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Andrew Bates
Federal Advisory Committee Management Officer

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Comments from Commissioner Merrifield on COMSECY-02-0024:

Based on the latest information from OGC, I change my vote from approval with modifications to a denial of the request to revise the ACNW charter. I prefer that the ACNW charter remain as currently written. The original stated purpose of the revision was to recognize the fact that the ACNW is sometimes tasked to address materials issues outside of the waste arena. The current charter allows the Commission to make such assignments on an as assigned basis. Given all of the issues currently before the staff and the Commission, I do not believe it is appropriate to take the additional time and effort to revise the charter.

My initial vote stated that it was acceptable to revise the charter as long as the Commission designated which other material's areas the ACNW would address. Now OGC states that this is a major change requiring consultation with GSA and notification of congressional oversight committees. I am concerned that such formalized procedures would represent a potential significant extension of ACNW activities and allow them the option of independently extending their activities into other material activities. Eventually, such activity could result in a request for increased staffing. I would prefer to continue the current practice of maintaining the ACNW focused on waste issues and extending the ACNW activities into other materials areas only as requested by the Commission on an ad hoc basis.

5/20/02