

8/1/95 Info Cys:

Cranford, Levin, Messenger, Kruzic, Fitzgerald, Goldberg, Wright
Shields, Shelton

EDS



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

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EDO R/F

July 27, 1995

Dan Graser

The Honorable Alice M. Rivlin
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Ms. Rivlin:

In your letter of April 19, 1995, you advised the Commission that you had approved an FY 1995 ceiling of three discretionary advisory committees for the NRC, to be achieved by September 30, 1995. This ceiling would require the Commission to terminate one of our four current discretionary committees.

Prior to submitting our January 9, 1995 report to you on OMB Circular NO. A-135, the Commission carefully reviewed the need for each of our committees and alternative ways of obtaining the information and advice that they provide. The Commission concluded then and continues to believe that all four of our discretionary advisory committees provide vital assistance to the Commission in carrying out our regulatory responsibilities and that the advice and recommendations that each committee provides cannot reasonably be obtained by alternative means. Because the members of these committees represent specialized areas of professional knowledge and experience that are not available to us in the NRC staff (for example, the physicians from various medical disciplines who comprise the membership of our Advisory Committee on the Medical Uses of Isotopes), I am writing to request that you defer implementation of NRC's discretionary advisory committee ceiling until FY 1996, when the resolution of current uncertainties in the scope of our regulatory responsibilities may enable the Commission to terminate one or more advisory committees.

At present, the NRC has four discretionary advisory committees. They are the Nuclear Safety Research Review Committee, the High-Level Waste Repository Licensing Support System Advisory Review Panel, the Advisory Committee on Nuclear Waste, and the Advisory Committee on Medical Uses of Isotopes. Three of these committees are undergoing review relative to their support of our underlying mission. Some of these missions are themselves under review or are dependent on the outcome of congressional deliberations.

As I am sure you are aware, funding limitations and other uncertainties surround the Department of Energy's high level waste repository program. The resolution of these matters will largely determine whether the NRC needs to continue its Licensing Support System (LSS) activities as well as the services of the LSS Advisory Review Panel, which consists of representatives of the NRC; DOE; State of Nevada; the local government of Nye County, Nevada; the National Congress of American Indians; nuclear industry organizations; and other Federal agencies with experience in large electronic document management systems. Resolving these uncertainties will also play a role in determining the future use of the Advisory Committee on Nuclear Waste.

Similarly, we expect the National Academy of Sciences' study on NRC's role in the regulation and licensing of the medical uses of isotopes to be issued in FY 1996. This study will be a major contributor to a decision on the Commission's regulatory role in the medical uses area and the need for the advice of the Advisory Committee on Medical Uses of Isotopes. Until the Commission can resolve the underlying mission-related questions in these and other cases, we are unable to make a prudent choice in reducing the number of our discretionary advisory committees.

I want to assure you that the Commission supports the goals of the Administration in seeking to reduce the number of Federal advisory committees. However, the fulfillment of our mission to protect the public health and safety requires that the Commission satisfy itself that termination of any particular advisory committee is justified on mission-related grounds as well as by efficiency.

Sincerely,



Shirley Ann Jackson



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 19, 1995

Honorable Ivan Selin
Administrator
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Selin:

Thank you for submitting your agency's advisory committee plan as required by OMB Circular A-135, "Management of Federal Advisory Committees."

Based on your plan, I am approving a FY 1995 discretionary advisory committee ceiling for your agency of three, which must be achieved by September 30, 1995. The A-135 plan will also serve as OMB's official approval, as required by Executive Order 12838, "Termination and Limitation of Federal Advisory Committees" of all new advisory committees that were specifically identified in your plan. If the A-135 plan did not identify any new advisory committees or if the agency believes it must establish an advisory committee during FY 1995 that was not part of the submission, OMB official approval will still be necessary.

On March 4th, the President wrote to you to encourage the use of negotiated rulemaking in the regulatory process. Additional guidance on this directive and its impact on advisory committee ceilings will be provided by OMB in the future.

This approval is subject to the Federal Advisory Committee Act (FACA), as amended (5 USC App.), and does not affect requirements imposed by the Act or related regulations issued by the General Services Administration (GSA). All requests to establish new discretionary advisory committees must be forwarded to GSA prior to filing a final charter with the Congress.

I have asked OMB's Resource Management Offices to work closely with GSA and your staff to ensure proper management and oversight of Federal advisory committees and to maintain the advisory committee reductions achieved by the President's initiative. We appreciate your continued support.

Sincerely,

Alice M. Rivlin
Director

To Send To your agency

Appropriate Action. Cpy to: RF..95-0371