



UNITED STATES
NUCLEAR REGULATORY COMMISSION
 ADVISORY COMMITTEE ON NUCLEAR WASTE
 WASHINGTON, DC 20555-0001

REQUEST REPLY BY: 1/10/06

December 20, 2005

Approved with comments.

The Honorable Nils J. Diaz
 Chairman
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

Nils J. Diaz
 Nils J. Diaz 01/12/06

SUBJECT: FISCAL YEAR 2006 AND 2007 ACTION PLAN FOR THE ADVISORY COMMITTEE ON NUCLEAR WASTE

Dear Chairman Diaz:

The Advisory Committee on Nuclear Waste (ACNW) has updated its Action Plan to reflect new and continuing priorities for fiscal years (FY) 2006 and 2007 (see enclosure). The primary purpose of the Plan is to guide the Committee in carrying out its mission. The Committee will continue to update the Plan at least every 2 years. The Plan describes our mission, vision, desired outcomes, commitments, goals, objectives, and priority topics. The Plan supports the Nuclear Regulatory Commission's (NRC's) Strategic Plan for FY 2004–FY 2009 (NUREG-1614, Vol. 3), dated August 2004. The Plan is also consistent with the ACNW's charter and the March 23, 2001, memorandum of understanding between the ACNW and NRC's Executive Director for Operations.

In addition to identifying and prioritizing the topics in the Plan, the ACNW performed a self-assessment (SECY-05-0119) to identify process improvements in the Committee's operation. The ACNW will continue to monitor the effectiveness and efficiency of its process, perform self-assessments, and make improvements as warranted.

The Committee has identified five first-tier priority topics and four second-tier priority topics for FY 2006 and FY 2007.

First-Tier Topics:

1. Proposed Yucca Mountain Repository
2. Risk-Informing Nuclear Waste and Material Regulatory Activities
3. Decommissioning
4. Waste Determinations
5. Low-Level Radioactive Waste (LLW)

CHAIRMAN DIAZ'S COMMENTS ON COMSECY-05-0064

I approve the Fiscal Year 2006 and 2007 Action Plan for the Advisory Committee on Nuclear Waste. Last year's plan provided an effective structure for the Committee's activities and I expect that this updated plan will continue to do so. The ACNW should remain abreast of industry, technical and legal developments in the areas of spent fuel storage, disposal and reprocessing to ensure that members will be ready to provide advice in these areas, should the need arise.

A handwritten signature in black ink, appearing to be 'LD', located below the end of the text.



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*Approved subject
 to attached comments
 E. M. Duffey
 1/20/06*

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 Chairman
 U.S. Nuclear Regulatory Commission
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Commissioner McGaffigan's Comments on COMSECY-05-0064

I approve the Fiscal Year 2006 and 2007 Action Plan for the Advisory Committee on Nuclear Waste (ACNW). The ACNW has appropriately prioritized the topics that it plans to address over the next two years. However, as my colleagues and I discussed during the January 11, 2005, meeting with the ACNW, there are two matters that are not explicitly addressed in the Action Plan that the ACNW should consider as it prioritizes activities over the next two years.

Under Fuel Cycle Facilities, which is a Second-Tier Priority topic, I believe that we should revive the Part 41 rulemaking for the licensing of in-situ leach (ISL) uranium recovery facilities. Therefore, the ACNW should be prepared to advise the Commission on the unique waste management, decommissioning, and environmental protection issues which may arise from such a rulemaking. ✓

Under Health Physics, also a Second-Tier Priority topic, I support Commissioner Lyons' suggestion that the ACNW specifically review the March 2005 French Academy of Sciences conclusions regarding radiation risks at low dose rates. The French study draws different conclusions than the June 2005 BEIR VII report with regard to the validity of using the linear no-threshold model for evaluating carcinogenic risk of low radiation doses. ✓

Finally, while I am not certain what the Department of Energy may propose in its Fiscal Year 2007 budget regarding possible new approaches to fuel cycle facilities, it is possible that those proposals could move the current second tier "Fuel Cycle Facilities" topic to the first tier. An absolutely critical design criterion for any new reprocessing effort will be that decommissioning costs be manageable. Our national experience of Savannah River, Hanford, and West Valley, and the British experience at their older reprocessing facilities can not be repeated in any new generation reprocessing facility, and NRC regulation must help ensure that outcome. That is just one of many issues that will arise if the nation chooses to explore reprocessing. The ACNW's early thoughts on these issues could prove very helpful. ✓

E. McGaffigan J.
1/20/06



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The Honorable Nils J. Diaz
 Chairman
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Approved

 1/11/06

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Approved with comments.


 Gregory B. Jaczko
 Date 1/25/06

SUBJECT: FISCAL YEAR 2006 AND 2007 ACTION PLAN FOR THE ADVISORY
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Commissioner Jaczko's Comments on COMS-05-0064
Fiscal Year 2006 and 2007 Action Plan for the Advisory Committee on Nuclear Waste

I approve the Fiscal Year 2006 and 2007 Action Plan for the Advisory Committee for Nuclear Waste (ACNW). I also agree with the committee's prioritization of low-level waste and decommissioning as Tier I topics for 2006 and 2007. The committee recently presented the Commission with a draft of its white paper on opportunities to better risk-inform and improve the effectiveness of low-level waste (LLW) management and regulation. I believe, however, that the committee should broaden its focus on LLW beyond merely risk-informing 10 CFR Part 61. Given that the Department of Energy is engaged in evaluating disposal options for Greater-Than-Class-C waste and the Barnwell LLW facility plans to only accept Class B and C waste from compact members by 2008, the committee should work with staff to determine the adequacy of our regulatory infrastructure to meet future challenges in this area and provide advice to the Commission on potential changes, as appropriate. ✓

With respect to decommissioning, the committee should consider evaluating the Commission's financial assurance practices for material sites and be ready to provide advice to the Commission in this area, particularly as it regards sites with no, or partial funding. In addition, I agree with Commissioner McGaffigan that the committee may need to be prepared to advise the Commission on the unique challenges in-situ leach uranium recovery facilities present should the Commission decide that this area is now ripe for rulemaking. ✓



Gregory B. Jaczko

1/25/06

Date



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REQUEST REPLY BY:

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 Chairman
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Peter B. Lyons 1/19/06
 Peter B. Lyons Date

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