



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON NUCLEAR WASTE  
WASHINGTON, D.C. 20555-0001

October 21, 2003

MEMORANDUM TO: ACNW Members  
ACNW Staff

*Michele S. Kelton*

FROM: Michele S. Kelton  
Technical Secretary, ACNW

SUBJECT: CERTIFIED MINUTES OF THE 145<sup>TH</sup> MEETING OF THE ADVISORY  
COMMITTEE ON NUCLEAR WASTE (ACNW) SEPTEMBER 23-24,  
2003

The proposed minutes of the subject meeting have been certified as the official record  
of the proceedings for that meeting.

Attachment:  
Certified Minutes, 145<sup>th</sup> ACNW  
Meeting, September 23-24, 2003

cc: J. Larkins, ACRS/ACNW  
S. Bahadur, ACRS/ACNW  
H. Larson, ACNW/ACNW  
A. Bates, SECY (O-16C1)  
P. Justus, NMSS (T-7F3)  
I. Schoenfeld, EDO (O-16E15)

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# CERTIFIED

10/21 /03

By MICHAEL T. RYAN, ACTING CHAIRMAN

Issued: 10/20/03

## CERTIFIED MINUTES OF THE 145<sup>TH</sup> MEETING OF THE ADVISORY COMMITTEE ON NUCLEAR WASTE SEPTEMBER 23-24, 2003

The U.S. Nuclear Regulatory Commission (NRC) Advisory Committee on Nuclear Waste (ACNW or the Committee) held its 145<sup>th</sup> meeting on September 23-24, 2003, at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. The ACNW published a notice of this meeting in the *Federal Register* on September 8, 2003 (68 FR 52972) and September 29, 2003 (68 FR 54923) (Appendix A). This meeting served as a forum for attendees to discuss and take appropriate action on the items listed in the agenda (Appendix B). The entire meeting was open to the public.

A transcript of selected portions of the meeting is available in the NRC's Public Document Room at One White Flint North, Room 1F19, 11555 Rockville Pike, Rockville, Maryland. Copies of the transcript are available for purchase from Neal R. Gross and Co., Inc., 1323 Rhode Island Avenue, NW., Washington, DC 20005. Transcripts may also be downloaded from, or reviewed on, the Internet at <http://www.nrc.gov/reading-rm/doc-collections/acnw/tr/> at no cost

ACNW Members who attended this meeting were Dr. George M. Hornberger, Mr. Milton Levenson, Dr. Michael T. Ryan (Acting Chairman), and Dr. Ruth F. Weiner. For a list of other attendees, see Appendix C.

### I. CHAIRMAN'S REPORT (OPEN)

[Dr. John T. Larkins was the Designated Federal Official for this portion of the meeting ]

Dr. Michael T Ryan, Acting ACNW Chairman, convened the meeting at 10:00 a.m. and briefly reviewed the agenda. He also stated that the meeting was being conducted in conformance with the Federal Advisory Committee Act. In addition, Dr. Ryan asked members of the public who were present and had something to contribute to the meeting to inform the ACNW staff so that time could be allocated for them to speak. He concluded his report by noting the following items of interest.

- Dr. B. John Garrick, ACNW Chairman, is presenting an invited paper during the plenary session of ICEM '03, in Oxford, England as a distinguished group of international speakers.

- Ms. Tina Ghosh, ACNW Summer Intern, has returned to her doctoral candidate studies at the Massachusetts Institute of Technology. Ms. Ghosh will return for the ACNW October meeting to report on her ACNW summer project titled, "Assessing Model Uncertainty in Performance Assessment."
- Effective August 10, 2003, the following managerial assignments in the Office of Nuclear Material Safety and Safeguards (NMSS) were made:

Joseph Holonich, Jr., was appointed Deputy Director, Division of Fuel Cycle Safety and Safeguards.

Thomas Essig was appointed Chief, Materials Safety and Inspection Branch, Division of Industrial and Medical Nuclear Safety (IMNS). Mr. Essig's previous assignment in NMSS was as Chief, Environmental and Performance Assessment Branch, Division of Waste Management (DWM)

John Hickey was appointed to the newly created position of Senior Technical Advisor for Materials Regulation, reporting directly to the Director, IMNS. Mr. Hickey has previously served as Chief, Decommissioning Branch, DWM, as well as chief of several different branches in IMNS prior to assuming the position.

Lawrence Kokajko was selected for the position of Chief, Environmental and Performance Assessment Branch, NMSS.

Other selected items of interest were provided in a separate handout.

## **II. COMMISSION PRESENTATION (OPEN)**

The Committee discussed its presentation for the October 23, 2003, public meeting with the NRC Commissioners. Topics proposed for discussion included the following:

### Chairman's Report

- ACNW Priorities and Future Review Plans
- Working Groups (Past and Future)
- Public Outreach Initiatives
- ACNW Role in the Yucca Mountain License Application

### Presentations

- Status and Pathway to Closure on Key Technical Issues
- High-Level Waste Risk Insights
- TSPA/TPA Working Group
- Performance Confirmation Working Group

### III. COMMITTEE RETREAT (OPEN)

[Mr. Michael Lee was the Designated Federal Official for this portion of the meeting.]

On September 17, 2003, the ACNW conducted its 2003 retreat. The purpose of the retreat was to identify the technical topics (including focused working groups) the Committee intended to examine during the next calendar year. The topics selected were intended to be consistent with the priorities defined in the ACNW's 2003-2004 Action Plan, as well as earlier Committee discussions with the Commission and the Office of Nuclear Material Safety and Safeguards (NMSS) management. The Committee's retreat was abridged owing to the continuing repercussions of tropical storm Isabel on the Washington metropolitan area during the previous week.

Two speakers had agreed to speak to the Members as part of the retreat deliberations. Dr. Kevin Crowley, Staff Director of the National Academies' Board on Radioactive Waste Management, presented his personal views on emerging waste management issues that may be of potential interest to the ACNW. Ms. Margaret Federline, Deputy Director, NMSS, presented the NRC's waste management perspective on those staff products and activities (both planned and underway) that might benefit from independent review by the Committee.

In the first presentation, Dr. Crowley suggested that there were three potential areas for the ACNW to focus its deliberations on over the next couple of years. In order of importance, they were the proposed Yucca Mountain high-level radioactive waste (HLW) repository, spent nuclear fuel (SNF) security, and the management of low activity radioactive waste.<sup>1</sup>

#### Yucca Mountain

Dr. Crowley noted that the U.S. has an operating geologic repository for transuranic wastes in the form of the Waste Isolation Pilot Plant (WIPP). He suggested that there were some important lessons learned from the WIPP licensing experience that could be applied to Yucca Mountain. In his view, the issues of significance include the need for improved waste form characterization techniques/procedures, the potential for dual regulation of high-level radioactive waste under RCRA,<sup>2</sup> and oversight of the performance confirmation program.

#### SNF Security

Dr. Crowley noted the widespread concern expressed in the media about the vulnerability of SNF (either in storage or in transport) to acts of terrorism and sabotage. He felt that the current practice of limited public disclosure was not effective and more could be done to ease public concerns in this area without compromising existing safeguards and security measures.

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<sup>1</sup>For example, naturally occurring radioactive material, low-level radioactive waste, and/or technologically enhanced radioactive materials.

<sup>2</sup>The Resource Conservation and Recovery Act.

## Low-Activity Radioactive Waste

Dr. Crowley noted that the regulatory framework in place for managing these materials was ineffective. He suggested the Committee could study an earlier National Council on Radiation Protection and Measurements report<sup>3</sup> as well as a forthcoming (interim) National Academies' report in 2003 and make recommendations to the Commission on ways for improvement to ensure that the wastes in question were adequately regulated.

In the second presentation, Ms. Margaret Federline, Deputy Director, NMSS, provided NMSS' perspective on emerging waste management issues that may be of potential interest to the ACNW. During her presentation and in follow-on discussions with the Members, Ms. Federline recommended seven areas for the Committee to consider for future action and advice. In no particular order they are:

1. Development and use of risk insights in HLW pre-licensing programs
2. Transition of HLW pre-licensing program into repository licensing and inspections
3. Finalization of the waste package performance study
4. Risk-informing guidance development for NMSS programs
5. Approaches to the implementation of the proposed License Termination Rule
6. NMSS recommendations to the Commission on the disposition of solid materials (i.e., the "clearance" rule)
7. International cooperation in radiation standard setting (e.g., the International Commission on Radiation Protection).

Following these presentations, the Members reviewed a partial list of technical topics it intended to examine during the next calendar year. It was agreed that the deliberations on this subject would continue in subsequent Committee meetings.

## **IV. PLANNING FOR 147<sup>TH</sup> ACNW MEETING, LAS VEGAS, NEVADA (OPEN)**

[Mr. Michael Lee was the Designated Federal Official for this portion of the meeting.]

As part of its public outreach efforts, the ACNW schedules one meeting annually in southern Nevada. The Committee plans to visit the Yucca Mountain site while in Nevada for the 147<sup>th</sup> ACNW meeting in November 2003.

In addition to an underground tour of the proposed repository, the Committee will tour the nearby community of Amargosa Valley, observing, first hand, the characteristics and lifestyles of this rural area near the potential geologic repository. The tour will also contribute to the Members' knowledge base for the forthcoming ACNW working group meeting on biosphere dose calculations. Stakeholder representatives have been invited to accompany the Committee on the tour.

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<sup>3</sup>"Risk-Based Classification of Radioactive and Hazardous Chemical Wastes."

Because of the abridged meeting schedule, there was only limited discussion of this item. Potential technical topics for briefings by DOE representatives over the remaining 2 days of the scheduled visit were also discussed.

#### **V. RECONCILIATION OF ACNW COMMENTS AND RECOMMENDATIONS (OPEN)**

[Mr. Howard Larson was the Designated Federal Official for this portion of the meeting.]

During its Planning and Procedures meeting on September 23, 2003, the Committee considered the following report from the NRC's Executive Director for Operations (EDO):

EDO response dated September 12, 2003, to ACNW letter dated August 13, 2003, concerning High-Level Waste; Risk Significance Ranking of Agreements and the Use of Risk Information to Resolve Issues

The Committee decided that it was satisfied with the EDO's response.

transporting hazard. If the individual asserts that the results of the name-based background check are not accurate, the individual will submit fingerprints and/or relevant court documents so that the record may be corrected or the disqualifying offense may be verified.

B. Drivers whose name-based background checks do not indicate a disqualifying offense or incarceration within the time periods specified in the Interim Final Rule will be required to submit fingerprints in the period between 180 days and 5 (five) years from the effective date of the Interim Final Rule, or when applying for a new or renewed hazard endorsement of their Commercial Driver's License (CDL), whichever occurs first.

C. If a name-based background check discloses that a driver is the subject of an outstanding felony warrant or warrant, TSA will ensure that the appropriate law enforcement agency is notified.

Such criminal history records checks are to include the review of available law enforcement databases and records as determined necessary by the Administrator of the Transportation Security Administration. In addition, TSA will be accessing other data sources as part of its effort to conduct background checks on commercial truck drivers who are authorized to carry hazardous materials.

TSA makes this request for the following reasons:

- In accordance with the USA PATRIOT Act, TSA must process criminal history records checks on more than three million commercial truck drivers who transport hazardous materials.

- Congress has determined that conducting background checks on commercial truck drivers transporting hazardous materials is a national priority. Given this urgency and the enormous volume of drivers to be checked, it is vital that TSA be given some latitude in conducting the background checks by first utilizing name-based checks while the infrastructure for fingerprint-based checks is put in place.

- TSA believes there are considerable gains in security to be made by using name-based background checks followed by fingerprint-based checks.

TSA proposes to carry out name-based background checks within the following parameters:

A. At the first Compact Council meeting following the conduct of name-based background checks for at least 180 days ("180-day test period"), TSA shall report back to the Compact Council. During a period of 180 days, TSA will work with the following entities to develop a comprehensive infrastructure for capturing and processing fingerprints of hazard CDL holders:

- a. The Compact Council;
- b. State central repositories;
- c. State Departments of Motor Vehicles (DMVs);
- d. The CIIS Division of the FBI, including its Advisory Policy Council;
- e. SLARCI;
- f. The International Association of Chiefs of Police (IACP); and
- g. The American Association of Motor Vehicle Administrators.

B. The public will be notified in advance that drivers will be subject to a name-based background check. The mechanisms for notification will include the Federal Register and communications with the States, the trucking industry, and the driver corps.

C. In no more than 180 days, TSA will have the infrastructure in place to begin fingerprinting all current HAZMAT drivers.

D. All fees for fingerprint collection and processing will be borne by the individual subject to the background check, or by his or her employer.

TSA proposes use of NCIC (including III) to determine whether applicants present a potential terrorist threat or may otherwise be a threat to transportation security. Given the terrorist threat level in transportation, existing statutory mandates, and the lack of adequate infrastructure to conduct fingerprint-based checks, TSA proposes to draw on the ability of NCIC (including III) to provide criminal history data on hazard drivers.

Approved: March 13, 2003.

Francine J. Kerner,

Transportation Security Administration.

Agreed to: March 13, 2003.

Wilbur W. Rehmann  
Compact Council.

[FR Doc. 03-23916 Filed 9-18-03. 8:45 am]  
BILLING CODE 4410-02-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Revised Notice of Meeting

For the 145th meeting of the Advisory Committee on Nuclear Waste (ACNW) which has now been rescheduled for September 23-24, 2003, instead of September 16-18, 11545 Rockville Pike, Rockville, Maryland.

Notice of this meeting was published in the Federal Register on Monday, September 8, 2003 (68 FR 52972). Following is the information for this meeting.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

#### Tuesday, September 23, 2003

**10:30 A.M.-10:40 A.M.: Opening Statement (Open)**—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate items of interest.

**10:40 A.M.-12 Noon: Commission Presentations (Open)**—The Committee will discuss its presentation for the October 23, 2003 public meeting with the NRC Commissioners. Topics proposed for discussion:

- Chairman's Report
- High-Level Waste Risk Insights

- TSPA/TPA Working Group
- Performance Confirmation Working Group
- Status and Pathway to Closure on KTI's

**1 P.M.-6 P.M.: Committee Retreat (Open)**—The focus of the September 2003 retreat is to identify the suite of topics that the Committee intends to examine over the next 12 to 18 months. The topics to be proposed would be consistent with the priorities defined in Action Plan as well as earlier Committee discussions with the Commission and NMSS management.

#### Wednesday, September 24, 2003

**8:30 A.M.-8:35 A.M.: Opening Statement (Open)**—The Chairman will make opening remarks regarding the conduct of today's sessions.

**8:35 A.M.-1 P.M.: Committee Retreat (Continued) (Open)**—The Committee will identify specific topics and its plans for review of the relevant High-Level Waste issues from the present to the submission by DOE of a license application for the Yucca Mountain repository.

**1 P.M.-1:15 P.M.: Miscellaneous (Open)**—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on October 11, 2002 (67 FR 63459). In accordance with these procedures, oral or written statements may be presented by members of the public. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415-6805), between 7:30 A.M. and 4 P.M. ET, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.



Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at [pdf@nrc.gov](mailto:pdf@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/> (ACRS & ACNW Mtg schedules/agendas).

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301-415-8066), between 7:30 a.m. and 3:45 p.m. ET, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: September 15, 2003.

Andrew L. Bates,

Advisory Committee Management Officer  
IFR Doc. 03-23948 Filed 9-18-03, 8:45 am  
BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48491; File No. SR-CSE-2003-10]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by The Cincinnati Stock Exchange, Inc. To Eliminate Market Order Exposure Requirements

September 12, 2003

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on August 7, 2003, The Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the

proposed rule change as described in Items I, II and III below, which Items have been prepared by the CSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE is proposing to amend CSE Rule 11.9(u) to eliminate Interpretation .01, concerning market order exposure requirements ("Market Order Exposure Requirement").<sup>3</sup> The CSE is also proposing to amend CSE Rule 8.15 to remove a reference to Interpretation .01 of Rule 11.9(u). The text of the proposed rule change is set forth below. Proposed new language is in *italics*; proposed deletions are in [brackets].<sup>4</sup>

#### Rule 8.15. Imposition of Fines for Minor Violation(s) of Rules

\* \* \* \* \*

#### Interpretations and Policies

.01 List of Exchange Rule Violations and Fines Applicable thereto Pursuant to Rule 8.15:

- (a)-(g) No Change to Text.
- (h) Rule 11.9(u) and Interpretation .01 related to the requirement to immediately execute market orders at an improved price or expose the market order on the Exchange for a minimum of fifteen seconds in an attempt to improve the price.
- Recommended Fine Amount
- \$1,000 first violation of the 2% quarterly threshold
- \$2,500 second violation
- Third violation Business Conduct Committee Hearing]

\* \* \* \* \*

#### Rule 11.9(u), Interpretations and Policies

\* \* \* \* \*

[.01 Market Order Exposure Requirement

(a) Consistent with his or her agency responsibility to exercise due diligence,

<sup>1</sup> As a result of the amendment, the relevant interpretations and policies contained in CSE Regulatory Circulars 01-07, 09-03, 98-06, 97-07, 96-04 will also be repealed.

<sup>2</sup> At the request of the Exchange, the Commission has revised the proposed rule text (i) to insert the word "wide" at the end of clauses (a)(1), (a)(2) and (a)(3); (ii) to reflect that the proposed rule change would not change the text of paragraph (f) of CSE Rule 8.15, Interpretation .01, and (iii) to correct a typographical error in paragraph (b)(1) of Rule 11.9(h) Interpretation .01. Telephone conversation between Jeffrey T. Brown, Senior Vice President, Regulation and General Counsel, Exchange and Ann E. Leddy, Attorney, Division of Market Regulation, Commission (September 12, 2003).

a member must comply with the following procedures which provide the opportunity for public agency buy/sell market orders in securities other than Nasdaq/NM securities to receive a price lower/higher than the disseminated national best offer/bid.

Except under unusual market conditions or if it is not in the best interests of the customer, Preferencing Dealers must immediately price improve or expose for a minimum of five seconds in an attempt to improve the price:

1. market orders with sizes less than or equal to 1000 shares when the NBBO at time of order receipt is more than 5 cents (\$.05) wide;

2. market orders with sizes between 1001 shares and 5000 shares when the NBBO at time of order receipt is more than 10 cents (\$.10) wide; and

3. market orders with sizes above 5000 shares when the NBBO at time of order receipt is more than 15 cents (\$.15) wide.

(b) to assist Preferencing Dealers in satisfying their obligations under the rule, the following exceptions apply:

#### 1. Unusual Market Conditions

Unusual market conditions include the following conditions:

- i. the NBBO is more than 1 dollar (\$.100) wide at receipt;
- ii. the market is locked or crossed at receipt or becomes that way during exposure;
- iii. when circuit breakers have been activated;
- iv. during and immediately after the opening (a period not to exceed 5 minutes);
- v. immediately prior to the close (a period not to exceed 5 minutes);
- vi. when the Exchange has declared a fast market; and
- vii. when non-firm markets exist

#### 2. Best Interests of the Customer

In order to protect the best interests of the customer, the following orders may require unique handling subject to the application of a member's brokerage judgment and experience as required by CSE Rule 12.10, Best Execution:

- i. block size market orders as defined in the Intermarket Trading System Plan;
- ii. odd-lot orders;
- iii. contingent orders;
- iv. a market order for a quantity that exceeds the existing NBBO size;
- v. NBBO moves in direction of market order stop price; and
- vi. Primary market trades at market order stop price.]

[.02] .01 Limit Order Protection

No Change to Text.

\* \* \* \* \*

<sup>3</sup> 15 U.S.C. 78c(b)(1).

<sup>4</sup> 17 CFR 240.19b-4.

(summarized above) in support of the proposed license amendment to terminate the license and release the facility for unrestricted use. On the basis of the EA, NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

#### IV. Further Information

The EA and the documents related to this proposed action, including the application for the license amendment and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession No. ML032380112).

Dated at King of Prussia, Pennsylvania, this 26th day of August, 2003.

For The Nuclear Regulatory Commission  
**Ronald R. Bellamy,**  
*Chief, Decommissioning and Laboratory Branch, Division of Nuclear Materials Safety, Region I*  
 [FR Doc. 03-20717 Filed 9-5-03; 8:45 am]  
 BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

##### Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 145th meeting on September 16-18, 2003, 11545 Rockville Pike, Rockville, MD.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

##### Tuesday, September 16, 2003

**10:30 a.m.-10:40 a.m.: Opening Statement (Open)**—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate items of interest.

**10:40 a.m.-12 Noon: Commission Presentations (Open)**—The Committee will discuss its presentation for the October 23, 2003 public meeting with the NRC Commissioners. Topics proposed for discussion:

- Chairman's Report
- High-Level Waste Risk Insights
- TSPA/TPA Working Group
- Performance Confirmation Working Group
- Status and Pathway to Closure on KTI's

**1 p.m.-6 p.m.: Committee Retreat (Open)**—The focus of the September

2003 retreat is to identify the suite of topics that the Committee intends to examine over the next 12 to 18 months. The topics to be proposed would be consistent with the priorities defined in Action Plan as well as earlier Committee discussions with the Commission and NMSS management.

##### Wednesday, September 17, 2003

**8:30 a.m.-8:35 a.m.: Opening Statement (Open)**—The Chairman will make opening remarks regarding the conduct of today's sessions.

**8:35 a.m.-2 p.m.: Committee Retreat (Continued) (Open)**—The Committee will identify specific topics and its plans for review of the relevant High-Level Waste issues from the present to the submission by DOE of a license application for the Yucca Mountain repository.

**2 p.m.-6 p.m.: Proposed ACRS Report (Open)**—The Committee will discuss a proposed ACNW report on matters considered during this meeting, as well as proposed ACNW reports on the Performance Confirmation Working Group.

##### Thursday, September 18, 2003

**8:30 a.m.-8:35 a.m.: Opening Statement (Open)**—The Chairman will make opening remarks regarding the conduct of today's sessions.

**8:35 a.m.-9:30 a.m.: Planning for 147th ACNW Meeting Las Vegas, Nevada (Open)**—The Committee will review proposed activities for its November 18, 2003 trip to Yucca Mountain and the Amargosa Valley and its subsequent technical discussion in Las Vegas, NV with DOE representatives and others (including stakeholders and the public) during the 147th ACNW Meeting, November 19-20, 2003.

**9:45 a.m.-11:45 p.m.: Preparation of ACNW Report (Open)**—The Committee will discuss a proposed ACNW report.

**12:45 p.m.-2:45 p.m.: Preparation for Meeting with the NRC Commissioner (Open)**—The Committee will finalize its viewgraphs for the proposed October 23, 2003, meeting with the NRC Commissioners.

**2:45 p.m.-3 p.m.: Miscellaneous (Open)**—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the *Federal Register* on October 11, 2002 (67 FR 63459). In accordance with these procedures, oral or written statements may be presented

by members of the public. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415-6805), between 7:30 a.m. and 4 p.m. ET, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at [pdr@nrc.gov](mailto:pdr@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or [http://www.nrc.gov/reading-rm/doc-collections/ACRS & ACNW Mtg schedules/agendas/](http://www.nrc.gov/reading-rm/doc-collections/ACRS&ACNW%20Mtg%20schedules/agendas/).

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415-8066), between 7:30 a.m. and 3:45 p.m. ET, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Date: September 2, 2003  
 Andrew L. Bates,  
*Advisory Committee Management Officer*  
 [FR Doc. 03-22718 Filed 9-5-03; 8:45 am]  
 BILLING CODE 7590-01-P

#### OFFICE OF PERSONNEL MANAGEMENT

##### Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 38-115

AGENCY: Office of Personnel  
 Management.

ACTION: Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) will submit to the Office of Management and Budget (OMB) a request for review of a revised information collection. RI 38-115, Representative Payee Survey, is used to collect information about how the benefits paid to a representative payee have been used or conserved for the incompetent annuitant.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 4,067 RI 38-115 forms will be completed annually. The form takes approximately 20 minutes to complete. The annual burden is 1,356 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received on or before November 7, 2003.

**ADDRESSES:** Send or deliver comments to—Ronald W. Melton, Chief, Operation Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415-3540.

FOR INFORMATION REGARDING  
 ADMINISTRATIVE COORDINATION CONTACT:

Cyrus S. Benson, Team Leader,  
 Publications Team, Support Group,  
 (202) 606-0623.

Office of Personnel Management.

Kay Coles James,

*Director*

[FR Doc. 03-22737 Filed 9-5-03; 8:45 am]

BILLING CODE 6325-50-P

#### OFFICE OF PERSONNEL MANAGEMENT

##### Submission for OMB Review; Comment Request for Reclearance of a Revised Information Collection: RI 30-2

AGENCY: Office of Personnel  
 Management.

ACTION: Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for reclearance of a revised information collection. RI 30-2, Annuitant's Report of Earned Income, is used annually to determine if disability retirees under age 60 have earned income which will result in the termination of their annuity benefits.

We estimate 21,000 RI 30-2 forms are completed annually. The RI 30-2 takes approximately 35 minutes to complete for an estimated annual burden of 12,250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received on or before November 7, 2003.

**ADDRESSES:** Send or deliver comments to—William C. Jackson, Chief, Retirement Eligibility & Services Group, Retirement Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 2336, Washington, DC 20415, and Allison Eydt, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

For Information Regarding  
 Administrative Coordination Contact:  
 Cyrus S. Benson, Team Leader,  
 Publications Team, RIS Support Group,  
 (202) 606-0623.

Office of Personnel Management.

Kay Coles James,

*Director*

[FR Doc. 03-22738 Filed 9-5-03; 8:45 am]

BILLING CODE 6325-50-P

#### OFFICE OF PERSONNEL MANAGEMENT

##### Proposed Collection; Comment Request for Review of an Expiring Information Collection: RI 92-19

AGENCY: Office of Personnel  
 Management.

ACTION: Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of an expiring information collection. RI 92-19, Application for Deferred or Postponed Retirement: Federal Employees Retirement System (FERS), is used by separated employees to apply for either a deferred or a postponed FERS annuity benefit.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 1,272 forms are completed annually. The form takes approximately 60 minutes to complete. The annual estimated burden is 1,272 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received on or before November 7, 2003.

**ADDRESSES:** Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Group, Retirement Services Program, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415-3540.

FOR INFORMATION REGARDING  
 ADMINISTRATIVE COORDINATION CONTACT:

**APPENDIX C: MEETING ATTENDEES**

**145<sup>TH</sup> ACNW MEETING  
SEPTEMBER 23-24, 2003**

**ACNW STAFF**

John Larkins  
Sher Bahadur  
Neil Coleman  
Michele Kelton  
Howard Larson  
Michael Lee  
Richard Major  
Richard Savio

**ATTENDEES FROM THE NUCLEAR REGULATORY COMMISSION**

**SEPTEMBER 23, 2003**

P. Justus

NMSS

**ATTENDEES FROM OTHER AGENCIES AND GENERAL PUBLIC**

**SEPTEMBER 23, 2003**

N. Henderson  
P. Sarna  
D. Safford  
N. Thakar  
D. Ritter  
B. Hoffman

Bechtel SAIC Co.  
Numark Associates  
BNA  
Congresswoman Shelly Berkley  
Public Citizen/Critical Mass  
Public Citizen/Critical Mass

## APPENDIX D: FUTURE AGENDA

The Committee approved the following topics for discussion during its 146<sup>th</sup> meeting, scheduled for October 21–23, 2003:

- Finalize the Agenda and Speakers for the February 2004 Biosphere Scenarios and Dose Calculation Working Group
- ACNW November Site Visit to the Proposed Yucca Mountain Repository
- Continue Its Committee Retreat Discussions
- Yucca Mountain Pre-Closure Safety and Drift Degradation Issues
- Updated Staff Performance Assessment Code TPA 5.0 and Peer Review Comments
- Waste-Management-Related Safety Research Report
- Preparation for Meeting With the NRC Commissioners
- Receive an Update on Waste Management Topics from the Director, Division of Waste Management, NMSS
- Preparation of ACNW Reports
  - Yucca Mountain Pre-Closure Safety and Drift Degradation Issues (Tentative)
  - Updated Staff Performance Code TPA 5.0 (Tentative)

**APPENDIX E**  
**LIST OF DOCUMENTS PROVIDED TO THE COMMITTEE**

[Note: Some documents listed below may have been provided or prepared for Committee use only. These documents must be reviewed prior to release to the public.]

**MEETING HANDOUTS**

**AGENDA**      **DOCUMENTS**  
**ITEM NO.**

- 3**                    **Committee Retreat**
1.    Presentation to the ACNW Annual Retreat on Future Activities, September 23, 2003, by Dr. Kevin Crowley, Board on Radioactive Waste Management, The National Academies [**Handout**]
  2.    ACNW Retreat - NMSS Perspective, presented by Margaret Federline, Deputy Director of NMSS [**Viewgraphs**]

**MEETING NOTEBOOK CONTENTS**

**TAB**  
**NUMBER**      **DOCUMENTS**

- Opening Statement by ACNW Chairman**
1.    Agenda, 145<sup>th</sup> ACNW Meeting, September 23–24, 2003, dated August 27, 2003
  2.    Color Code - 145<sup>th</sup> ACNW Meeting, dated September 2, 2003
  3.    Introductory Statement by ACNW Chairman, Tuesday, September 23, 2003 undated
  4.    Items of Interest for 145<sup>th</sup> ACNW Meeting
  5.    Introductory Statement by ACNW Chairman, Wednesday, September 24, 2003, undated
- 3**                    **Committee Retreat**
6.    ACNW Retreat - Background Material - Table of Contents
  7.    Agenda
  8.    Memo dated March 23, 2001, to Those on the Attached List, from William D. Travers, EDO, Subject: Memoranda of Understanding Between the Executive Director for Operations and the Executive Director for the Advisory Committee on Reactor Safeguards (ACRS) and the Advisory Committee on Nuclear Waste (ACNW)

MEETING NOTEBOOK CONTENTS (CONT'D)

TAB

NUMBER

DOCUMENTS

3 (cont'd)

Committee Retreat

9. Letter dated June 23, 2003, to The Honorable Nils J. Diaz, Chairman, NRC, from George M. Hornberger, Chairman, ACNW, Subject: Fiscal Years 2003 and 2004 Action Plan for the Advisory Committee on Nuclear Waste
10. E-mail dated August 22, 2003, from Janet Schleuter, NMSS, to Andrew Murphy, et al., Subject: FYI - 9/11 Congressional Hearing
11. Statement Submitted by the U.S. Nuclear Regulatory Commission to the Committee on Energy and Commerce, House Energy and Power Subcommittee, U.S. House of Representatives, concerning Status of Yucca Mountain Project, presented by Dr. Nils J. Diaz, Chairman, July 7, 2003
12. Letter dated July 18, 2003, to The Honorable Nils J. Diaz, Chairman, NRC, from B. John Garrick, Chairman, ACNW, Subject: ACNW's Proposed Role in the Review of the License Application for a Geologic Repository at Yucca Mountain (**COMSECY-03-0034**)
13. Proposed Future ACNW Activities (FY03-04)
14. Potential ACNW Briefing Topic Areas
15. Member/Staff Brainstorming Ideas From February 2002 Retreat
16. ACNW Summary Matrix of 2002 Letters and Outcomes
17. ACNW Summary Matrix of 2003 Letters and Outcomes

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**Planning for 147<sup>th</sup> ACNW Meeting, Las Vegas, Nevada**

18. Proposed Itinerary, Week of November 16, 2003
19. November 18, 2003, Yucca Mountain/Amargosa Valley Tour, Current  
Itinerary
20. 147<sup>th</sup> ACNW Meeting Current Draft Agenda
21. E-mail dated July 22, 2003, from Carol Hanlon, YMP/DOE, to Michael P.  
Lee, ACNW, Subject: Proposed Tour for ACNW Members