

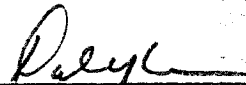
UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001


Approved subject to the
attached comments.

REQUEST REPLY BY:

January 10, 2008

1/28/08

 Dale E. Klein 01/17/08
MEMORANDUM TO: Chairman Klein
Commissioner Jaczko

FROM: Commissioner Lyons


1/10/08

SUBJECT: PROPOSED MERGER OF ACRS AND ACNW&M

The Advisory Committee on Nuclear Waste and Materials (ACNW&M [previously ACNW]) was established by the Commission in 1988 to address specific Commission advice needs in the High Level Waste and Low-Level Waste activities. Initially ACNW&M acted as a subcommittee of the Advisory Committee on Reactor Safeguards (ACRS) Waste Management Subcommittee and had been examining these issues since the 1970s. The Commission took this action in response to concerns about how best to regulate radioactive waste management in these important developing areas, especially High Level Waste.

I have found the quality and timeliness of ACNW&M advice to the Commission to be exceptional. I believe that the ACNW&M has played a key role in our waste management regulatory program successes. However, I believe the Commission is now facing a dilemma on how best to manage the anticipated future workload and the technical expertise needs on each advisory committee.

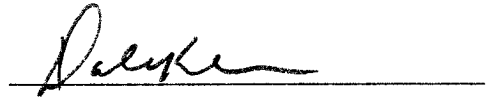
The original needs that drove the establishment of ACNW&M have changed, and different challenges now face the NRC. I believe that: 1) licensing and certification reviews for new nuclear power reactors, MOX and GNEP facilities will need to receive greater attention in the areas of health physics, waste management and earth sciences; 2) the Low-Level Waste and decommissioning programs are at a mature programmatic state; 3) once DOE entered its license application mode, the role of the ACNW&M decreased because further interactions with DOE on the identified key technical issues will now be addressed in the license application; 4) ACNW&M is currently working on a few issues remaining from the pre-application interaction with DOE; 5) upon NRC's receipt of DOE's geological repository license application, ACNW&M's members can only serve as adjudicatory advisors to support the Commission; and 6) ACRS and ACNW&M technical expertise will need to be more flexible for future activities the agency faces.

Therefore, I propose merging ACNW&M back into ACRS. ACNW&M should become a stand-alone subcommittee of ACRS. Dr. Ryan, Chairman, ACNW&M, should be designated as the Chairman of the new subcommittee within ACRS. The remaining ACNW&M members could be offered consultancy positions with the ACRS subcommittee or some may be added to the new subcommittee. By maintaining some of the current ACNW&M members (other than Dr. Ryan) as consultants, these members could serve as adjudicatory advisors as may be needed to support the Commission in any licensing hearings associated with DOE's license application.

Chairman Klein's Comments on COMPBL-08-0001

I approve Commissioner Lyons proposal to merge the Advisory Committee on Nuclear Waste and Materials (ACNW&M) back into the Advisory Committee on Reactor Safeguards (ACRS) from which it originated. The ACNW&M has served the Agency well over the years as an independent advisory group. But I agree with Commissioner Lyons that as the Agency continues to change to address new opportunities and challenges, our advisory groups must change as well. Merging the ACNW&M back into the ACRS will allow more flexibility and efficiency in providing advice to the Commission on technical matters before the agency.

The Executive Director of the ACRS/ACNW&M should complete all necessary administrative actions to facilitate this merger in an orderly fashion. The transition plan should address disposition of topics currently in the ACNW&M action plan, particularly for issues under active consideration, and whether they should continue under the new subcommittee. I would not expect all the current action plan activities to continue under the new subcommittee because it will be assigned new work as part of the reorganization and future activities will be assigned through the normal ACRS process. However, I would expect some activities to continue. For example, I agree with Commissioner Jaczko that the new subcommittee should continue the development of a white paper associated with alternative disposal options for low activity waste.



Dale E. Klein

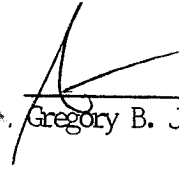
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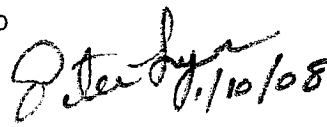
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 Gregory B. Jaczko

 1/14/08
 Date

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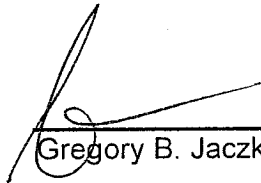
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**Commissioner Jaczko's Comments on COMPBL-08-0001
Proposed Merger of ACRS and ACNW&M**

I approve of COMPBL-08-0001 that would merge the Advisory Committee on Nuclear Waste and Materials (ACNW&M) back into the Advisory Committee for Reactor Safeguards (ACRS). While I appreciate Commissioner Lyons' efforts to address the challenges that face the Commission's advisory committees, I believe it would be prudent to allow the ACNW&M to complete the work recently assigned to it from the Commission in 2007 to effect an orderly transition to a subcommittee of the ACRS. More important, the ACNW&M or newly reconstituted ACRS should complete the development of its white paper unanimously agreed to by the Commission to "address how requirements under the Resource Conservation and Recovery Act (RCRA) Subtitle C compare with 10 CFR Part 61, and whether the RCRA subtitle C facilities might be bounding for low activity waste."



Gregory B. Jaczko

1/14/08

Date