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

OFFICE OF THE
SECRETARY

September 13, 1991

James L. Dean
Director
Committee Management Secretariat
General Services Administration
Office of Administration
Washington, DC 20405

Dear Mr. Dean:

This is in response to your letter of August 20, 1991, requesting comments on recommendations by the General Services Administration (GSA) relating to advisory committees maintained by the Nuclear Regulatory Commission. Comments on each recommendation are enclosed.

If there are any questions regarding our response please give me a call on (301) 492-1968.

Sincerely,

John C. Hoyle
Advisory Committee Management Officer

Enclosures:
As Stated

NUCLEAR REGULATORY COMMISSION

Comments on observations and recommendatiOns by the General Services Administration (GSA):

1. **Advisory Committee on Nuclear Waste (ACNW)**

GSA Recommendation

"The Nuclear Waste Policy Act of 1982, amended by P.L. 100-203, 12/22/87, established an independent body within the Executive Branch known as the **Nuclear Waste Technical Review Board (NWTRB)**, whose function it is to evaluate the technical and scientific validity of activities undertaken to dispose of nuclear waste, including the transportation of such waste. The ACNW advises on the disposal and transportation of radioactive hazardous materials; therefore, GSA and OMB staff recommend NRC future year ACNW costs be scaled down accordingly to reflect this apparent duplication of function with NWTRB."

NRC Response

The Commission notes that the statutory function of the NWTRB, as specified by the Nuclear Waste Policy Act, as amended, is to evaluate the technical and scientific validity of activities undertaken by the Secretary of Energy. The same statute defines the independent regulatory mission of the Nuclear Regulatory Commission to consider the Department of Energy's (DOE) application for a construction authorization for the nuclear waste repository and to issue a final decision approving or disapproving such construction authorization. Utilizing its own expert advisory committee for advice and recommendations on topics related to the waste repository is an important aspect of NRC's ability to conduct an independent and impartial review of DOE's application. Because the focus of NRC's Advisory Committee on Nuclear Waste (ACNW) is on the technical bases for repository licensing and regulation as opposed to consideration of approaches to repository development, the Commission believes there is no basis for scaling back the activities and costs of the ACNW. The ACNW is also chartered to provide advice to NRC regarding other radwaste related matters including items such as low-level radioactive waste, mixed wastes, and uranium mill tailings.

2. **Advisory Committee on the Medical Uses of Isotopes (ACMUI)**

GSA Recommendation

Reevaluate for possible termination.

NRC Response

GSA's recommendation comes at a time when there has been a significant increase in the level of Commission interest and attention to the size and structure of the ACMUI and in the complexity of issues considered by the Committee. The Commission has directed the staff to expand and broaden the expertise of the ACMUI in order to assist the NRC in obtaining balanced input on regulatory issues affecting the medical community. The membership is being expanded from 11 to 15 and adjusted to include a representative of the Food and Drug Administration, a representative with a State's perspective, a patient's rights advocate, an oncologist having brachytherapy experience, a medical researcher, a technologist, and a hospital manager. Recruitment is underway to fill these positions. In addition, publicly announced meetings are now held at least twice each year, with telephone conference links provided as needed.

Issues presented to the ACMUI during the year have been associated with complex rulemakings governing the medical uses of nuclear materials, and the discussion of extremely sensitive issues in the medical community such as pregnancy/nursing assessment and supervision. Valuable advice and differing perspectives were provided by the ACMUI relative to the NRC's final Quality Management Rule which was published in the Federal Register on July 25, 1991. This rule amends NRC regulations governing therapeutic administrations of byproduct material and certain uses of radioactive sodium iodide to require implementation of a quality management program to provide high confidence that the byproduct material or radiation from byproduct material will be administered as directed by an authorized user physician.

In view of these significant changes, coupled with an increasing desire by the medical community to participate in regulatory issues that might affect the practice of medicine, no further consideration should be given to terminating the Advisory Committee on the Medical Uses of Isotopes.

GSA notes that it appears, from review of NRC's annual reports for the past several years, that the ACMUI "no longer serves the NRC by reviewing and providing recommendations on specific licensing cases." It is true that the full committee is not usually asked to advise the NRC on specific licensing cases, although some license reviews were considered to be subcommittee activities in the past and were reported in that manner. However, individual members of the Committee, acting as consultants to the NRC staff, do continue to review and provide recommendations on specific cases.

3. **Advisory Panel for the Decontamination of TMI-2**

GSA Recommendation

Reevaluate for possible termination.

NRC Response

In November 1990, at the time of the last two-year renewal of the charter for the Advisory Panel for the Decontamination of TMI-2, the NRC recognized that the Panel's activity had necessarily diminished as most issues requiring attention by the Panel during the clean-up process had been resolved. The Committee held a subsequent meeting in January 1991 and one additional meeting is scheduled for October 1991. At the present time, a meeting of the Panel with the NRC Chairman and Commissioners is being planned for late 1991 or early 1992.

Consideration is being given to terminating the Panel after this next meeting with the Commission.

4. **Licensing Support System Advisory Review Panel (LSSARP)**

GSA Observation

NRC's 1990 annual report of advisory committee activities contained a brief and/or nonspecific justification for this committee.

NRC Response

The NRC appreciates the opportunity to provide an expanded justification statement for the Licensing Support System Advisory Review Panel, which was established in December 1989. The Panel, established under NRC's regulations on the Licensing support System (LSS) in 10 CFR Part 2, Subpart J, is intended to provide advice to **(i)** the Department of Energy on the fundamental issues of design and development, and operation of an electronic information management system to be known as LSS, and **(ii)** the NRC on the operation and maintenance of the LSS. The responsibilities of the Panel include the provision of advice on **(i)** format standards for the submission of documentary material to the LSS, **(ii)** procedures and standards for the transmission of filings, orders and decisions during the HLW repository licensing proceeding, **(iii)** access protocols, **(iv)** a thesaurus and authority tables, **(v)** requirements for headers and other user-related aspects of the LSS. 10 CFR § 2.101(f).

The LSS, as described in 10 CFR Part 2, Subpart J, will be utilized to store and retrieve records and documents relating to the licensing of a geologic repository for the disposal of high-level radioactive waste. Its purpose is to assist the parties in the licensing proceeding by providing a vehicle for early document discovery, comprehensive and early technical review of millions of papers of relevant licensing material, earlier submission of better focused contentions, and the electronic transmission of all filings during the hearing.

The membership of the LSSARP is drawn from potential participants in the future licensing proceeding. At the present time, representatives of the State of Nevada, a coalition of local governments where the repository will be sited, a second coalition of local governments in jurisdictions adjacent to the repository site, the National Conference of American Indians, a coalition of organizations representing the nuclear industry, the Department of Energy, and the Nuclear Regulatory Commission are members of the Panel.

The LSSARP met three times during FY 1990 and twice in FY 1991. Issues addressed have included: topical guidelines for determining what documents must go into the LSS; header elements to be used for document entries; document loading priorities; and capture of non-document data. The Committee has received briefings from NRC's LSS Administrator, from DOE's design contractor, DOE's Office of Civilian Radioactive Waste Management, and representatives of the University of Nevada at Las Vegas.

Future activities will keep pace with design and development of the LSS as agreed to by NRC and DOE consistent with the anticipated date for submittal by DOE of the license application for repository construction authorization.

5. **Nuclear Safety Research Review Committee (NSRRC)**

GSA Observation

NRC's 1990 annual report of advisory committee activities contained only a brief and/or nonspecific justification for this committee.

NRC Response

The NRC appreciates the opportunity to provide an expanded justification statement for the Nuclear Safety Research Review Committee, which was initially established in 1988 and renewed for a two year period in February 1990.

The NSRRC was established by the Commission to provide advice to the NRC on the overall direction of NRC's program of nuclear safety research. The concept for such a committee was put forth by the National Academy of Sciences (NAS) in its 1987 report on Revitalizing Nuclear Safety Research. The NAS recommended the establishment of an independent advisory committee, with disciplines relevant to safety research, which could review the overall structure and thrust of NRC's research program and provide advice and recommendations to the Director of the Office of Nuclear Regulatory Research. The NAS specifically pointed out that NRC's existing Advisory Committee on Reactor Safeguards was not suitable for this task since its panel of multidisciplined experts was constituted to focus primarily on issues related to the construction and operation of nuclear power plants.

Since its establishment, the NSRRC has consisted of members from the research community, including universities, and from the industry as recommended by the NAS. Current professional backgrounds include nuclear engineering, physics, chemistry, metallurgy, geoscience, and psychology.

During the past year, reviews by this committee on such diverse research areas as seismic research, human factors, radioactive waste management, and severe accidents have resulted in improved focus and priority adjustments in keeping with decreasing research budgets. The Commission is pleased with these results and anticipates that the future activities of the Committee will continue to produce similar results.