

RESPONSE SHEET

TO: Carrie M. Safford, Secretary

FROM: Commissioner Crowell

SUBJECT: COMSECY-24-0013: Renewal of Advisory Committee
on Reactor Safeguards Charter

Approved X **Disapproved** **Abstain** **Not Participating**

COMMENTS: Below X Attached X None

This paper requests the Commission's review and approval of the NRC's Advisory Committee on Reactor Safeguards (ACRS) charter, which must be affirmatively renewed every two years in compliance with the Federal Advisory Committee Act (FACA). While the periodic renewal of an advisory committee charter is generally considered routine, FACA requires the renewal of such charters to ensure federal advisory committees such as the ACRS can meet and otherwise conduct business to fulfill their duties. In this regard, I join Chair Hanson in recognizing the changes the Committee has made and continues to make to operate in a streamlined, focused manner to carry out its statutory purpose. These efforts reflect the ACRS's understanding of its role in the coming years to efficiently review the increasing volume and frequency of novel and complex reactor designs expected to come before the NRC staff. Indeed, as we look ahead, the role of ACRS may become more important than it has been since its inception in 1953.

I greatly value having an independent panel of technical experts to advise the Commission by providing a fresh look at the important reactor safety evaluations developed by the NRC staff. Furthermore, with the Commission's recent decision to conduct mandatory hearings via written materials, the ACRS meetings offer an even more relevant window for the public to hear discussion of new reactor projects before the NRC.

I appreciate the update to the charter to reflect the General Services Administration's recent FACA final rule and associated guidance, and to reflect the change in the ACRS's meeting frequency to be more efficient. As such, I approve renewing the charter, subject to the attached edits.

Entered in STAR

Yes X

No

Signature

**UNITED STATES NUCLEAR REGULATORY COMMISSION
CHARTER FOR THE ADVISORY COMMITTEE ON REACTOR SAFEGUARDS**

1. Advisory Committee's Official Designation:

Advisory Committee on Reactor Safeguards (Committee or ACRS)

2. Authority:

In accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. § 1001 et seq.), an advisory committee designated as the ACRS is renewed by the Nuclear Regulatory Commission (NRC) pursuant to Section 29 of the Atomic Energy Act of 1954, as amended (AEA), 42 U.S.C. § 2039.

3. Objectives and Scope of Activities:

a. Section 29 of the AEA provides:

"There is hereby established an Advisory Committee on Reactor Safeguards consisting of a maximum of fifteen members appointed by the Commission for terms of four years each. The Committee shall review safety studies and facility license applications referred to it and shall make reports thereon, shall advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and shall perform such other duties as the Commission may request. One member shall be designated by the Committee as its Chairman. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, or other work of the Committee, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee. The provisions of Section 163 shall be applicable to the Committee."

b. Section 182b. of the AEA provides:

"The Advisory Committee on Reactor Safeguards shall review each application under section 103 or section 104b. for a construction permit or an operating license for a facility, any application under section 104c. for a construction permit or an operating license for a testing facility, any application under section 104a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104a., b., or c. specifically referred to it by the Commission, and shall submit a report thereon which shall be made part of the record of the application and available to the public except to the extent that security classification prevents disclosure."

- c. Section 313(f) of the AEA provides, with respect to the Defense Nuclear Facilities Safety Board, that:

“With the consent of and under appropriate support arrangements with the Nuclear Regulatory Commission, the Board may obtain the advice and recommendations of the staff of the Commission on matters relating to the Board’s responsibilities and may obtain the advice and recommendations of the Advisory Committee on Reactor Safeguards on such matters.”

- d. 10 CFR § 1.13 provides that the ACRS:

“... upon request of the Department of Energy (DOE), reviews and advises with regard to the hazards of DOE nuclear activities and facilities; reviews any generic issues or other matters referred to it by the Commission for advice. The Committee, on its own initiative, may conduct reviews of specific generic matters or nuclear facility safety-related items.”

- e. Section 6 of Public Law 95-209 added the ACRS Fellowship Program, providing that:

“To assist the Advisory Committee on Reactor Safeguards in carrying out its function, the committee shall establish a fellowship program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the committee. Such fellowship shall be for 2-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the committee.”

- f. 10 CFR §§ 52.23, 52.53, and 52.87 provide that the application for Early Site Permits, Standard Design Certifications, and Combined Licenses, respectively, be referred by the Commission to the ACRS and that the ACRS report on those portions of the applications which concern safety.

- g. 10 CFR § 54.25 provides that each application for the renewal of an Operating License for a nuclear power plant be referred to the ACRS and that the ACRS review and report on each application.

- h. The ACRS shall report to and advise the Commission on issues associated with nuclear materials and waste management. The bases of reviews include 10 CFR Parts 20, 40, 50, 60, 61, 70, 71, and 72, and other closely related regulations and legislative mandates. These reviews shall include matters related to waste management, radiation health effects, and health physics as they pertain to the disposal of nuclear waste (including transportation issues) and the processing of nuclear materials.

4. Description of Duties:

See item 3 above.

5. Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendations:

Commissioners
U.S. Nuclear Regulatory Commission
Washington, DC 20555

6. Support:

Office of the Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

7. Estimated Annual Operating Costs and Staff Years:

- a. \$6,000,000¹
- b. 27.1

8. Designated Federal Officer (DFO):

The Chair of the NRC (or designee) shall designate a Federal officer or employee who must be either full-time or permanent part-time. The DFO for the ACRS will:

- a. Ensure that ACRS activities comply with ~~the Act~~FACA, the governmentwide FACA regulations at 41 C.F.R. Part 102-3, NRC administrative procedures (including the NRC's FACA regulations at 10 C.F.R. Part 7), and any other applicable laws and regulations;
- b. Approve or call all ACRS committee and subcommittee meetings;
- c. Approve the agenda;
- d. Attend all ACRS committee and subcommittee meetings for their duration;
- e. Fulfill the requirements under § 10(b) of ~~the Act~~FACA (codified at 5 U.S.C. 1009(b));
- f. Adjourn any meeting when the DFO determines it to be in the public interest;
- g. Chair any meeting when so directed by the ~~Chair~~Commission of the NRC;
- h. Maintain information on ACRS activities and provide such information to the public, as applicable; and
- i. Ensure ACRS committee members and subcommittee members, as applicable,

¹ Cost figures are based on the General Services Administration's Annual Federal Advisory Committee Act reporting requirements. Committee operating costs include compensation to members, staff and consultants, travel costs, and administrative costs such as rent, graphics, mail, etc.

receive the appropriate training (e.g., FACA overview, ethics training) for efficient operation and compliance with ~~the Act~~FACA and FACA Final Rule.

The DFO should ensure a public facing website that complies with 41 C.F.R. § 102-3.120(b) is created and maintained for the ACRS.

9. Estimated Number and Frequency of Meetings:

Approximately 10 meetings per year of the full Committee; and an estimated 40 meetings per year of ACRS subcommittees.

10. Duration:

The duration of the advisory committee is continuing, subject to the Termination section below.

11. Termination:

Not applicable, ACRS is a statutory continuing committee.

12. Membership and Designation:

Members are appointed by the Commission as Special Government Employees, as provided in Section 29 of the Atomic Energy Act of 1954, as amended. The Committee is comprised of up to 15 members, including individuals with a wide variety of engineering expertise. The membership includes expertise in nuclear engineering, risk assessment, chemistry, facility operations management, severe accident phenomena, materials science and metallurgy, digital instrumentation and control systems, thermal hydraulic and heat transfer, and mechanical, civil, and electrical engineering.

13. Subcommittees:

The Committee may create subcommittees that report to the full committee. All work prepared by subcommittees is reviewed and approved by the full committee. Subcommittees must not provide advice or work products directly to the agency or any other Federal officer.

14. Recordkeeping:

The Committee records will be handled in accordance with General Records Schedule 6.2 and approved NRC records disposition schedules. These records shall be available to the public for inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

15. Filing Date:

December 2, 2024

Russell E. Chazell
Federal Advisory Committee Management Officer
Office of the Secretary