

January 19, 2005

MEMORANDUM TO: Michael T. Ryan, Chairman
Advisory Committee on Nuclear Waste

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - COMSECY-04-0077 - FISCAL YEAR
2005 AND 2006 ACTION PLAN FOR THE ADVISORY
COMMITTEE ON NUCLEAR WASTE

The Commission has approved the 2005-2006 Action Plan for the Advisory Committee on Nuclear Waste (ACNW) as modified by the comments provided below, under the assumption that they will be accomplished with currently budgeted resources.

In the future, the Committee should improve clarity in how the screening criteria are applied and consistency with the agency's strategic plan. Specifically, "openness" should be used as a screening criterion rather than "stakeholder confidence."

Given the current status of the Yucca Mountain license application, the ACNW should continue its current activities in this area. But once the license application is received, any Committee activities related to the proposed high level waste repository should focus on information gathering and familiarization with the staff work plan and other documents to best position the Committee to assist the Commission in its license activities upon specific Commission request. Part 63 rulemaking activities should be removed as a stand-alone topic. It is already being addressed in the proposed Yucca Mountain repository topic.

Waste Incidental to Reprocessing (WIR) should be a tier-one topic due to recent Congressional action expanding NRC's role in this program. In addition, the Low Level Waste working group should be replaced with the WIR working group, currently listed as tentative.

The Committee lists low-level radioactive waste as a second tier function with a stated intent to hold discussions with the staff on risk informing the existing low level waste regulations. Given the current lack of NRC activity in licensing new disposal facilities, this effort should be given a low priority. The Committee should not divert staff resources from other higher priority issues to address this issue unless a specific need arises in this time frame requiring Agency action.

Transportation of Radioactive Materials is listed as a second tier topic. It should either be considered a first tier topic or be given a high priority among the second tier projects. For example, the Committee should address this topic before addressing the potential for risk informing the low level waste regulations.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
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