

January 10, 2008

MEMORANDUM TO: Chairman Klein
Commissioner Jaczko

FROM: Commissioner Lyons /RA/

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.

I believe that this action would preserve the Commission's access to independent advice on matters related to waste management, radiation health effects, and health physics. It would also serve to enhance ACRS's technical depth relative to new power reactors, MOX, and GNEP facilities, especially in the area of health physics and waste management. Such an action would

better align the Commission's advisory and technical needs with our anticipated future workload, provide greater flexibility to meet our evolving needs, and improve administrative efficiencies of Committee operations.

I look forward to working with you and welcome suggestions that you may have toward this endeavor.

SECY, please track.

cc: L. Reyes, EDO
K. Cyr, OGC
A. Vietti-Cook, SECY