

Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy

Advisory Committee Charter

- 1. Committee's Official Designation.** Blue Ribbon Commission on America's Nuclear Future (the Commission).
- 2. Authority.** The Commission is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2, and as directed by the President's Memorandum for the Secretary of Energy dated January 20, 2010: Blue Ribbon Commission on America's Nuclear Future. This charter establishes the Commission under the authority of the U.S. Department of Energy (DOE).
- 3. Objectives and Scope of Activities.** The Secretary of Energy, acting at the direction of the President, is establishing the Commission to conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle, including all alternatives for the storage, processing, and disposal of civilian and defense used nuclear fuel, high-level waste, and materials derived from nuclear activities. Specifically, the Commission will provide advice, evaluate alternatives, and make recommendations for a new plan to address these issues, including:
 - a) Evaluation of existing fuel cycle technologies and R&D programs. Criteria for evaluation should include cost, safety, resource utilization and sustainability, and the promotion of nuclear nonproliferation and counter-terrorism goals.
 - b) Options for safe storage of used nuclear fuel while final disposition pathways are selected and deployed;
 - c) Options for permanent disposal of used fuel and/or high-level nuclear waste, including deep geological disposal;
 - d) Options to make legal and commercial arrangements for the management of used nuclear fuel and nuclear waste in a manner that takes the current and potential full fuel cycles into account;
 - e) Options for decision-making processes for management and disposal that are flexible, adaptive, and responsive;
 - f) Options to ensure that decisions on management of used nuclear fuel and nuclear waste are open and transparent, with broad participation;

- g) The possible need for additional legislation or amendments to existing laws, including the Nuclear Waste Policy Act of 1982, as amended; and
- h) Any such additional matters as the Secretary determines to be appropriate for consideration.

The Commission will produce a draft report to the Secretary and a final report within the time frames contained in paragraph 4.

- 4. Description of Duties.** The duties of the Commission are solely advisory and are as stated in Paragraph 3 above.

A draft report shall be submitted within 18 months of the date of the Presidential memorandum directing establishment of this Commission; a final report shall be submitted within 24 months of the date of that memorandum. The reports shall include:

- a) Consideration of a wide range of technological and policy alternatives, and should analyze the scientific, environmental, budgetary, financial, and management issues, among others, surrounding each alternative it considers. The reports will also include a set of recommendations regarding policy and management, and any advisable changes in law.
- b) Recommendations on the fees currently being charged to nuclear energy ratepayers and the recommended disposition of the available balances consistent with the recommendations of the Commission regarding the management of used nuclear fuel; and
- c) Such other matters as the Secretary determines to be appropriate.

- 5. Official to Whom the Committee Reports.** The Commission reports to the Secretary of Energy.

- 6. Agency Responsible for Providing the Necessary Support.** DOE will be responsible for financial and administrative support. Within DOE, this support will be provided by the Office of the Assistant Secretary for Nuclear Energy or other Departmental element as required. The Commission will draw on the expertise of other federal agencies as appropriate.

- 7. Estimated Annual Operating Cost and Staff Years.** The estimated annual operating cost of direct support to, including travel of, the Commission and its subcommittees is \$5,000,000 and requires approximately 8.0 full-time employees.

- 8. Designated Federal Officer.** A full-time DOE employee, appointed in accordance with agency procedures, will serve as the Designated Federal Officer (DFO). The DFO will

approve or call all of the Commission and subcommittee meetings, approve all meeting agendas, attend all Commission and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest. Subcommittee directors who are full-time Department of Energy employees, as appointed by the DFO, may serve as DFOs for subcommittee meetings.

- 9. Estimated Number and Frequency of Meetings.** The Commission is expected to meet as frequently as needed and approved by the DFO, but not less than twice a year.

The Commission will hold open meetings unless the Secretary of Energy, or his designee, determines that a meeting or a portion of a meeting may be closed to the public as permitted by law. Interested persons may attend meetings of, and file comments with, the Commission, and, within time constraints and Commission procedures, may appear before the Commission.

Members of the Commission serve without compensation. However, each appointed non-Federal member may be reimbursed for per diem and travel expenses incurred while attending Commission meetings in accordance with the Federal Travel Regulations.

- 10. Duration and Termination.** The Commission is subject to biennial review and will terminate 24 months from the date of the Presidential memorandum discussed above, unless, prior to that time, the charter is renewed in accordance with Section 14 of the FACA.

- 11. Membership and Designation.** Commission members shall be experts in their respective fields and appointed as special Government employees based on their knowledge and expertise of the topics expected to be addressed by the Commission, or representatives of entities including, among others, research facilities, academic and policy-centered institutions, industry, labor organizations, environmental organizations, and others, should the Commission's task require such representation. Members shall be appointed by the Secretary of Energy. The approximate number of Commission members will be 15 persons. The Chair or Co-Chairs shall be appointed by the Secretary of Energy.

12. Subcommittees.

- a) To facilitate functioning of the Commission, both standing and ad hoc subcommittees may be formed.
- b) The objectives of the subcommittees are to undertake fact-finding and analysis on specific topics and to provide appropriate information and recommendations to the Commission.

- c) The Secretary or his designee, in consultation with the Chair or Co-Chairs, will appoint members of subcommittees. Members from outside the Commission may be appointed to any subcommittee to assure the expertise necessary to conduct subcommittee business.
- d) The Secretary or his designee, in consultation with the Chair or co-Chairs will appoint Subcommittees.
- e) The DOE Committee Management Officer (CMO) will be notified upon establishment of each subcommittee.

13. Recordkeeping. The records of the Commission and any subcommittee shall be handled in accordance with General Records Schedule 26, Item 2 and approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

14. Filing Date.

Date filed with Congress: March 1, 2010

Signed

Carol A. Matthews
Committee Management Officer