

§7.4

10 CFR Ch. I (1-1-00 Edition)

§7.4 Establishment of advisory committees.

(a) An NRC advisory committee may be established under this part only if its establishment—

(1) Is specifically directed or authorized by statute or by Executive Order of the President; or

(2) Has been determined by the Commission to be in the public interest and essential to the performance of the duties imposed on the Commission by law.

The determination required by paragraph (a)(2) of this section shall be a matter of formal record, and shall include a statement of a clearly defined purpose for the advisory committee.

§7.5 Review of establishment of advisory committees by GSA Secretariat; Advisory committee charters.

(a) Whenever the NRC proposes to establish or utilize an advisory committee, a letter requesting review of the proposal and transmitting a proposed charter for the committee shall be submitted to the GSA Secretariat by the Commission. The letter shall contain the following information:

(1) An explanation of why the committee is essential to the conduct of NRC business and is in the public interest;

(2) An explanation of why the committee's functions cannot be performed by NRC, another existing NRC advisory committee, or other means (such as a public hearing); and

(3) A description of NRC's plan to attain balanced membership on the committee.

For purposes of attaining balance in an NRC advisory committee's membership, the Commission shall consider for membership interested persons and groups with professional, technical, or personal qualifications or experience to contribute to the functions and tasks to be performed.

(b) Each proposed committee charter submitted for review pursuant to paragraph (a) of this section shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and the scope of its activity;

(3) The period of time necessary for the committee to carry out its purposes;

(4) The NRC official to whom the committee will report;

(5) The NRC office responsible for providing support for the committee;

(6) A description of the duties for which the committee will be responsible, and if such duties are not solely advisory, a specification of the authority for the functions that are not advisory;

(7) The estimated annual operating costs, in dollars and man-years, for the committee;

(8) The estimated number and frequency of committee meetings; and

(9) The committee's termination date, if less than two years from the date of the committee's establishment. The date the charter is filed pursuant to §7.8 shall be added to the charter when such filing takes place.

(c)(1) A subcommittee that does not function independently of its parent advisory committee shall be subject to the requirements of this part, except that it shall not be subject to the requirements of paragraphs (a) and (b) of this section. Such a subcommittee shall not, however, be subject to the requirements of this part with respect to any meeting of its members devoted solely to a function described in §7.2(c)(3)(viii).

(2) The requirements of this part, including the requirements of paragraphs (a) and (b) of this section, shall apply to any subcommittee that functions independently of the parent advisory committee (such as by making recommendations directly to the agency rather than to the parent advisory committee), regardless of whether the subcommittee's members are drawn in whole or in part from the parent advisory committee.

(d) After the GSA Secretariat has notified the Commission of the results of its review of a proposal to establish or utilize an NRC advisory committee, submitted pursuant to paragraph (a) of this section, the Commission shall notify the GSA Secretariat in writing whether the advisory committee is actually being established. Filing of the advisory committee charter pursuant to §7.8 shall be deemed to fulfill this