

§ 5.605 Enforcement procedures.

The investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) ("Title VI") are hereby adopted and applied to these Title IX regulations. These procedures may be found at 10 CFR 4.21 through 4.75.

[65 FR 52875, Aug. 30, 2000]

PART 7—ADVISORY COMMITTEES

Sec.

- 7.1 Policy.
- 7.2 Definitions.
- 7.3 Interpretations.
- 7.4 Establishment of advisory committees.
- 7.5 Review of establishment of advisory committees by GSA Secretariat; Advisory committee charters.
- 7.6 Amendments to advisory committee charters.
- 7.7 Termination, renewal, and rechartering of advisory committees.
- 7.8 Charter filing requirements.
- 7.9 Public notice of advisory committee establishment, reestablishment, or renewal.
- 7.10 The NRC Advisory Committee Management Officer.
- 7.11 The Designated Federal Officer.
- 7.12 Public participation in and public notice of advisory committee meetings.
- 7.13 Minutes of advisory committee meetings.
- 7.14 Public information on advisory committees.
- 7.15 Procedures for closing an NRC advisory committee meeting.
- 7.16 Annual comprehensive review.
- 7.17 Reports required for advisory committees.
- 7.18 Compensation and expense reimbursement of advisory committee members, staffs, and consultants.
- 7.19 Handicapped members of advisory committees.
- 7.20 Conflict of interest reviews of advisory committee members' outside interests.
- 7.21 Costs of duplication of documents.
- 7.22 Fiscal and administrative responsibilities.

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App.).

SOURCE: 54 FR 26948, June 27, 1989, unless otherwise noted.

§ 7.1 Policy.

The regulations in this part define the policies and procedures to be fol-

lowed by the Nuclear Regulatory Commission in the establishment, utilization, and termination of advisory committees. In general, it is the policy of the Commission that—

(a) Except where there is express legal authority to the contrary, the function of NRC advisory committees shall be advisory only.

(b) Each NRC advisory committee shall function in compliance with the Federal Advisory Committee Act and this part.

(c) The number of NRC advisory committees shall be kept to the minimum necessary, and the number of members of each NRC advisory committee shall be limited to the fewest necessary to accomplish committee objectives.

(d) An NRC advisory committee shall be established only when establishment of the committee is required by law or when the Commission determines that the committee is essential to the conduct of NRC business. In making such a determination, the Commission shall consider whether committee deliberations will result in a significant contribution to the creation, amendment, or elimination of regulations, guidelines, or rules affecting NRC business; whether the information to be obtained is available through another source within the Federal Government; whether the committee will make recommendations resulting in significant improvements in service or reductions in cost; or whether the committee's recommendations will provide an important additional perspective or viewpoint relating to NRC's mission.

(e) Except where otherwise required by law, an NRC advisory committee shall be terminated whenever the stated objectives of the committee have been accomplished, the subject matter or work of the committee has become obsolete, the committee's main functions have been assumed by another entity within the Federal Government, or the cost of operating the committee has become excessive in relation to the benefits accruing to the Federal Government from its activities.

(f) NRC advisory committees shall be balanced in their membership in terms of the points of view represented and the functions to be performed.

Nuclear Regulatory Commission

§ 7.2

(g) The Congress shall be kept informed of the number, purpose, membership, activities, and cost of NRC advisory committees.

(h) NRC advisory committee meetings shall be open to the public, except where closure is determined to be justified under § 7.15.

§ 7.2 Definitions.

As used in this part:

(a) *Act* means the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

(b) *Administrator* means the Administrator of General Services.

(c)(1) *Advisory committee* means any committee, board, commission, council, conference, panel, task force, or similar group, or any subcommittee or other subgroup thereof, that is established by statute for the purpose of providing advice or recommendations on issues of policy to an official, branch, or agency of the Federal Government, or that is established or utilized by the President or any agency official to obtain advice or recommendations on issues or policies that fall within the scope of his or her responsibilities; except that the term “advisory committee” shall not include the groups listed in paragraph (c)(3) of this section.

(2) For purposes of the definition of “advisory committee” in paragraph (c)(1) of this section, a group shall be considered to be “utilized by the President or any agency official to obtain advice or recommendations on issues or policies that fall within the scope of his or her responsibilities” if (i) the group is composed in whole or in part of other than full-time officers or employees of the Federal Government, (ii) the group has an established existence outside the agency seeking the advice, (iii) the group is a preferred source from which to obtain advice or recommendations on a specific issue or policy within the scope of the President’s or agency official’s responsibilities, and (iv) such advice or recommendations are obtained in the same manner as advice or recommendations obtained from established advisory committees.

(3) The following advisory meetings or groups are not included in the defi-

nition of “advisory committee” in paragraph (c)(1) of this section:

(i) Any group composed wholly of full-time officers or employees of the Federal Government;

(ii) Any group specifically exempted from the Act or these regulations by an Act of Congress;

(iii) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to any State or local government unit or an official thereof;

(iv) Any group that performs primarily operational functions specifically provided by law, as opposed to advisory functions;

(v) Any meeting initiated by the President or one or more Federal officials for the purpose of obtaining advice or recommendations from one individual;

(vi) Any meeting that is initiated by a Federal official and that is held with more than one individual for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations, except where the agency accepts the group’s deliberations as a source of consensus advice or recommendations;

(vii) Any meeting initiated by a group with the President or one or more Federal officials for the purpose of expressing the group’s view, provided that the President or Federal official does not use the group recurrently as a preferred source of advice or recommendations;

(viii) Any meeting of two or more advisory committee members convened solely to gather information or conduct research for a chartered advisory committee to analyze relevant issues and facts for a chartered advisory committee, or to draft proposed position papers for deliberation by a chartered advisory committee; and

(ix) Any meeting with a group initiated by the President or by one or more Federal officials for the purpose of exchanging facts or information.