



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON
REACTOR SAFEGUARDS**

BYLAWS

Advisory Committee on Reactor Safeguards

Approved at the 687th ACRS Meeting

July 7-9, 2021

PREAMBLE

These Bylaws describe the procedures to be used by the Advisory Committee on Reactor Safeguards (ACRS) in performing its duties, and the responsibilities of the members. The functions and conduct of the Committee are described in the Atomic Energy Act of 1954, as amended, the Federal Advisory Committee Act (FACA), and the Code of Federal Regulations. For parliamentary matters not explicitly addressed in these Bylaws, Robert's Rules of Order Newly Revised, 12th Edition (2020) shall govern, with the Member at-Large of the Planning and Procedures Subcommittee serving as parliamentarian.

All the following has as its purpose fulfillment of the Committee's statutory responsibility to provide objective and independent advice to the Commission and to the Congress on matters that concern safety. The Bylaws are intended to make certain that the inputs to that advice are fairly and adequately obtained and considered, that the members and the affected parties have an adequate chance to be heard, and that the resulting reports represent, to the extent possible, the best of which the Committee is capable. Any ambiguities in the following should be resolved in such a way as to support these objectives. Any internal conflicts of interpretation shall be decided by majority vote of the current membership of the Committee.

1. FULL COMMITTEE MEETINGS

- 1.1 Regular meetings of the Full Committee will normally be scheduled for the first week of the month. There will not be Full Committee meetings in January and August. Scheduling conflicts may sometimes require deviations from this schedule and such changes must be approved by majority of the members of the Committee.
- 1.2 Special meetings may be scheduled on call of the Chair or, in the Chair's absence, the Vice Chair. Also, a majority of the members of the Committee may direct the Executive Director to schedule a special meeting for the purpose of discussing a particular subject or class of related subjects.
- 1.3 ACRS Full Committee meetings will be open to public attendance, except for those portions in which matters are to be discussed that are exempt from public disclosure under the Federal Advisory Committee Act (FACA) or other appropriate rules or statutes. Active participation in the meeting is normally confined to:
 - Members of the Committee;
 - ACRS staff, as needed;
 - ACRS consultants, or others assisting the Committee, as needed;
 - NRC staff and its consultants and contractors, as needed;
 - Licensees and applicants, and their consultants and contractors, as needed;
 - Members of the public and other stakeholders in accordance with FACA, or as needed.
- 1.4 The Chair has both the authority and the responsibility to maintain order and decorum and may recess the meeting until a later time if these are threatened. The Chair may also request the ejection of any person who ignores warnings and continues to address subjects not under discussion by the Committee, or who otherwise interferes with the orderly conduct of Committee business.
- 1.5 During those portions of a meeting that are open to the public when the Committee has had prior notification, electronic (video and/or audio) recording of the proceedings is permitted to the extent it does not interfere with the proper conduct of Committee business.
- 1.6 The Chair, or in the Chair's absence the Vice Chair, shall preside over the meeting. The Chair can delegate the responsibility to preside over the meeting to another member.

2. MEETING AGENDA

- 2.1 Potential agenda items will be identified by the NRC staff, the Commission or individual Commissioners, stakeholders, and by individual Committee members. Meeting information as required by FACA will be prepared by the ACRS Executive Director or designee and approved by the ACRS Chair for publication in the *Federal Register* in the case of a Full Committee meeting.
- 2.2 Items that require Committee review and comments, and Commission requests will receive high priority on the agenda. To the extent feasible, all review items that require a Committee report should be scheduled early in the Full Committee meeting so as to allow adequate time for the cognizant Subcommittee Chair or member to prepare and/or revise a proposed ACRS report. Information items, and items of general interest, may be placed on the agenda subject to the availability of time.
- 2.3 A subcommittee meeting agenda is prepared by the cognizant staff engineer in consultation with the Subcommittee Chair, NRC staff, industry groups, and other meeting participants, and the final agenda is approved by the Subcommittee Chair. The subcommittee meeting agenda will be placed on the NRC and ACRS meeting public websites, as appropriate, and in accordance with NRC procedures.
- 2.4 Except in unusual and pressing circumstances, the Full Committee/subcommittees will not review matters brought to it by the NRC staff unless documentation adequate to support a responsible review is provided to the members in a timely fashion.
- 2.5 An urgent staff item requiring speedier review than contemplated above will be placed on the agenda only if the Planning and Procedures Subcommittee agrees, after consultation with the cognizant Subcommittee Chair.
- 2.6 Issues may come to the attention of the Committee through a variety of mechanisms, including self-generation. Whatever the source, review may be through any appropriate mechanism, including but not limited to, placement on a meeting agenda, referral to a subcommittee, or creation of a working group.

3. CONDUCT OF MEETINGS

- 3.1 The scheduling and conduct of ACRS Full Committee meetings will be in accordance with FACA, as amended, implementing NRC rules and regulations, and other relevant Federal regulations. The Committee has the responsibility to make available to the public, consistent with the requirements of FACA and the Freedom of Information Act, the information on which its final decisions and reports are based. Meetings will be transcribed at the Committee's discretion. Full Committee meetings may be held, at the direction of the Chair, using remote technology by which all persons participating in the meeting can be identified and hear each other at the same time.
- 3.2 A quorum for a meeting of the Full Committee consists of a minimum of half the current membership. Due to the collaborative nature of the Committee's business, it is expected that members meet in person. However, under special circumstances, the Chair may authorize remote participation. Participation through remote technology shall constitute presence for the purpose of establishing a quorum.
- 3.3 Decisions shall be made by a majority of the members present at the meeting, except that major decisions shall only be made by a majority of the current membership. Should one or more members be unavailable for compelling reasons (such as extended incapacity or recusal), the current membership shall be regarded as reduced accordingly. Any member can propose that the matter under discussion is a major decision. If there is doubt whether a decision is major, the Chair shall rule, subject to reversal by the Committee. Such reversal shall be treated as a major decision.
- 3.4 The Chair may take part in the discussion of any subject before the Committee and may vote. The Chair should not use the power of the position to bias or otherwise limit the discussion but should use that power to keep the meeting focused and approximately on schedule. If the Chair is a strong advocate of one side of a controversial item, the Vice Chair should preside over that part of the meeting. Any dispute over the Chair's level of advocacy shall be resolved by a majority vote of those members present and voting, with a tie supporting the Chair's position.
- 3.5 It should be emphasized that no Committee position is final or binding until it has been formally documented in a written report and approved by the Committee.

4. ACRS REPORTS

- 4.1 ACRS reports shall be solely the product of the Committee members.
- 4.2 Industry groups and other stakeholders will normally be provided an opportunity to discuss matters under consideration by the Committee before a report is issued.
- 4.3 Unless matters coming under FACA exemptions are involved, Committee reports will be prepared in public session.
- 4.4 Preparation of proposed ACRS reports should be a function of the subcommittee rather than that of the cognizant Subcommittee Chair or member. The cognizant Subcommittee Chair or member should, if possible, distribute the proposed report and incorporate or note comments for deliberation by the Full Committee.

Proposed reports do not represent a Committee position. Their distribution shall be to ACRS members, ACRS consultants, and the ACRS staff prior to their consideration by the Full Committee in public session. At the request of the Subcommittee Chair, ACRS staff shall request the NRC staff and/or applicant/licensee to perform a proprietary review of draft letter reports. This review is strictly to identify potentially proprietary or sensitive information and not intended to seek feedback or input on the substance of the draft report from the NRC staff or applicant/licensee.

- 4.5 Once a report is approved final by the Committee, it shall be issued as expeditiously as possible, after the following actions:
 - 4.4-1 The ACRS staff shall review the report for technical accuracy, grammatical correctness, clarity, and propose changes, as appropriate, without altering the intent of the Committee. The author(s) and the Committee Chair will review the appropriateness of the changes proposed by the ACRS staff and approve or disapprove them, as warranted. In the event of a disagreement between the author(s) and the ACRS staff on a particular change, the Committee Chair's ruling will prevail.
 - 4.4-2 The author(s) should also review the report for clarity and grammatical correctness but should not make changes that alter the intent of the Committee. If the author(s) has/have doubts regarding a proposed change, the Committee Chair should be consulted before making the change.
 - 4.4-3 If, in the judgment of any member, a report contains a serious misstatement or factual error, and that possible error was not addressed by the Committee before final approval, the member can propose that the Chair recommend deferral of the matter until the next meeting. The Chair can also recommend deferral of a report if there are concerns that it contains ambiguity regarding an ACRS position and needs clarification. The ACRS staff will then conduct a poll of as many as possible of the members who participated in the preparation of the report, explaining the issue as fairly as they can. If a majority of those participants agree, the report shall be so deferred.
 - 4.4-4 In cases of time urgency, a rewording may be accomplished through collegial interaction, for example, through virtual platforms.
- 4.6 The final report should note any Committee member recused from participation in a matter.
- 4.7 A factual summary report of Committee activities at any Full Committee meeting will be prepared by the ACRS staff. After review and approval by the ACRS Chair, it will be sent to the Chair of the Commission in a timely manner.

5. ADDITIONAL COMMENTS TO ACRS REPORTS/ INDIVIDUAL VIEWS

- 5.1 Committee reports will normally reflect collegial views, and unanimity will often be achieved. Nonetheless, there will be occasions in which the majority is unconvinced by a minority argument, viewed as important by those who espouse it. The minority is then free to express its view through comments added to the report, subject to the following conditions.
- 5.1-1 Before deciding to attach additional comments, the proponent(s) shall make a good-faith effort to persuade the Committee to adjust the main report to accommodate the minority view.
 - 5.1-2 The author(s) of additional comments shall be named.
 - 5.1-3 The additional comments shall be made available to the Committee as early as possible in the deliberations, both as part of the good-faith effort described above, and to provide an opportunity for others so inclined to join the original author(s).
 - 5.1-4 There will be times in which the report is generated so late in the meeting that full discussion of the proposed additional remarks is precluded by time constraints. The author must then announce to the Committee the intent to submit additional remarks, indicate to the Committee the nature of the remarks, and must have the text to the ACRS office by noon (Eastern Time) on the Wednesday following the meeting, whether through e-mail, fax, or other means.
 - 5.1-5 Upon receipt, the ACRS staff shall distribute the text of the additional comments to all members who participated in preparation of the subject report. Members have until noon (Eastern Time) on the Thursday following the meeting to add their names to the remarks.
- 5.2 There will be occasions on which a member feels a subject is of safety significance but is unable to persuade the majority of the Committee that it warrants a Committee report. In such cases, the above vehicle for dissent is not applicable yet a subject deemed of safety significance to a member of the Committee ought not to be left unaddressed. In such cases, the member should make a good-faith effort to persuade the Committee to take action, whether by writing a report on the subject, or by requesting the Committee to direct a subcommittee to conduct an exploration. If the Committee decides to do neither or if the member involved feels that the importance of the subject warrants prompt action, the member is then free to write an individual report on the subject. Such a report should clearly state, up front, that the member is not speaking for the Committee, and that the Committee has declined to act to take action on the subject. A member using this mechanism should make every effort to apply the same professional standards to this individual communication as is fair to expect from the Committee as a whole. At the discretion of the original author, other members can add their name to the report.
- 5.3 When ACRS comments are requested by the NRC staff on specific safety-related matters, and the Full Committee does not plan to take action, comments of individual members may be transmitted to the appropriate NRC offices by a forwarding memo from the ACRS Executive Director. Any comments to be transmitted in this manner are to be provided to the Full Committee for information.

6. SUBCOMMITTEES

- 6.1 The Committee is organized around a number of topical subcommittees whose purpose is to obtain, analyze, and organize information for the consideration of the Full Committee. A subcommittee may also recommend a particular course of action to the Full Committee.
- 6.2 In addition, a standing Subcommittee on Planning and Procedures shall have the responsibility to evaluate the priorities in the ACRS workload, to distribute resources appropriately, and to recommend to the Committee both long-term and short-term goals and Committee practices and procedures. The membership of this Subcommittee will be:
- ACRS Chair
 - ACRS Vice Chair
 - Member-at-Large, elected to serve concurrently with the ACRS Chair

The ACRS Chair shall serve as Chair of this Subcommittee.

- 6.3 Major reform of the Subcommittee Structure is normally the responsibility of the Planning and Procedures Subcommittee, subject to Full Committee approval.
- 6.4 Changes to subcommittee membership and tasks, and establishment of working groups to review specific issues are the responsibility of the ACRS Chair.
- 6.5 Each Chair shall, within three months of taking office, review the number, responsibilities, and membership of the ACRS subcommittees, and the workload balance among the members. In this task, the Chair shall consult as needed, the affected members, the outgoing Chair, and the Executive Director. The Committee shall be provided a list of proposed changes, if any, before the end of that period.
- 6.6 Subcommittee meetings are exempt from FACA requirements; however, subcommittee meetings will be conducted in accordance with FACA requirements whenever possible.
- 6.7 Any two members of the Committee will constitute a quorum for any subcommittee meeting. No single member shall function as a subcommittee, although individual members may often collect information on behalf of either a subcommittee or the Full Committee.
- 6.8 The Subcommittee Chair has both the authority and the responsibility to maintain order and decorum and may recess the meeting until a later time if these are threatened. The Chair may also request the ejection of any person who ignores warnings and continues to address subjects not under discussion by the Subcommittee, or who otherwise interferes with the orderly conduct of the Subcommittee business.
- 6.9 Subcommittee meetings may be held, at the direction of the Subcommittee Chair, using remote technology by which all persons participating in the meeting can be identified and hear each other at the same time.
- 6.10 At the conclusion of a Subcommittee meeting, the Subcommittee Chair, with input from members present, will decide if the subject merits consideration by the Full Committee to prepare a report.

7. APPOINTMENT OF MEMBERS

7.1 The members of the Committee are appointed by the Commission. In accordance with Section 29 of the Atomic Energy Act, the term of an appointment to the Committee is four years. The Act does not specify a maximum number of terms.

7.2 Appointment of New Members

The Committee will adopt the Commission procedures delineated in the October 13, 2017 Staff Requirements Memorandum, SRM-COMSECY-17-0028, for selecting new members. The applicable excerpt from these procedures is as follows:

The Executive Director should prepare a draft *Federal Register* notice and a press release for Commission approval and a list of professional societies/technical organizations to which it would be sent for the solicitation of nominations. These documents will indicate what specific expertise/skills are being sought for the opening. The specific expertise/skills will be chosen in consultation with the Committee. The Executive Director will ensure that the nomination process considers and is consistent with the NRC's Comprehensive Diversity Management Program.

The Executive Director should convene a screening panel for review of nominations. This panel will be composed of:

- Office of General Counsel senior attorney acting as Chair selected by the General Counsel
- NRC Committee Management Officer
- ACRS Executive Director, who will serve as the Secretary of the panel

The screening panel will:

- Review and rate the nominations for the selecting official using as benchmarks the specific expertise/skills being sought for the opening, as well as the individual's breadth of knowledge and ability/experience in applying his/her skills to problems outside of their specific field of expertise. The panel's report should list all of the qualified candidates, and it should rank at least the best qualified candidates. A brief narrative should be provided identifying the criteria and rationale for the best qualified rankings.
- In carrying out the provisions of above, the panel may seek the advice of other individuals whose views may be useful to the screening panel. Specifically, the panel should consult with an ethics counselor in the Office of General Counsel on matters concerning potential conflicts of interest or prohibited financial holdings.
- Submit a copy of the panel's assessment to the Committee for its independent recommendation on the nominees, as well as submit a COMSECY to the Commission.

7.2-1 The Committee Chair may discuss the needed expertise with the screening panel prior to selecting candidates to interview.

7.2-2 Although not specified in the Commission procedures, the screening panel and the ACRS will interview the best-qualified candidates, as needed.

7.2-3 The Committee should submit its selection recommendations to the screening panel or the Commission as they see fit.

7. APPOINTMENT OF MEMBERS (continued)

- 7.3 The criteria used by the Committee to evaluate candidates include education and experience, demonstrated skill in nuclear safety matters, the balance of the Committee in relation to the tasks that lie ahead, availability to serve, and possible conflicts of interest. Extraneous factors, such as race, sex, religion, color, national origin, political affiliation, age, marital status, or irrelevant physical handicap will not be considered.
- 7.4 Reappointment of Members
- 7.4-1 In accordance with the September 26, 1996 Staff Requirements Memorandum, COMSECY-96-042, "Procedures for Reappointment of Advisory Committee Members," if a member eligible for reappointment is interested in seeking reappointment for another term, the ACRS Executive Director should make a recommendation to the Commission at least nine months prior to the expiration date of the member's current term. In the letter of recommendation, the Executive Director should address the performance factors listed in the above-mentioned Staff Requirements Memorandum.
- 7.4-2 After reviewing the recommendation and associated basis, the Commission will decide on the reappointment of a particular member.

8. ELECTION OF OFFICERS

- 8.1 The Committee Chair and Vice Chair shall be elected to serve for one year, commencing on January 1 and ending on December 31 or until their successors are elected. Either or both may be reelected to serve no more than one additional consecutive one-year term. Either or both are subject to recall by a vote of two-thirds of the Committee members. Any motion for recall shall be made, seconded and discussed during one meeting, and voted upon at the next Full Committee meeting.
- 8.2 The line of succession for Committee officers is Chair, Vice Chair, and Member-at-Large. If either of the first two is no longer available to continue to serve, those next in line will move up in the succession. A special election will then be held to fill the resulting vacancy, using the procedure described below.
- 8.3 Election of Chair and Vice Chair

The Committee Chair and Vice Chair for the following year shall be elected during the last regularly scheduled Full Committee meeting of each year. The election may be conducted in person or virtually with use of suitable electronic tools, with an emphasis on maintaining the secrecy of the ballots.

The Chair shall be elected by a numerical majority of the current membership using a secret ballot, with all members as candidates. Members may withdraw their names from consideration by written notice to the Executive Director, no later than two weeks before the scheduled election. A current Chair serving in a second consecutive one-year term shall be ineligible. If no candidate receives a numerical majority on the first ballot, a second ballot shall be taken using the three candidates (or more in case of a tie) receiving the most votes on the first ballot. If needed, additional ballots shall be taken using the two candidates (or more in case of a tie) receiving the most votes on the previous ballot, until one candidate is favored by a numerical majority of the current membership. If the Committee agrees that no agreement is possible at the meeting, a Chair shall be chosen by lot from the most recent list of candidates.

Following the election of the Chair, the Vice Chair shall be elected using the same process.

Absentee votes naming one member for Chair and one for Vice Chair shall be accepted and applied to each respective ballot taken. If they name a member eliminated from consideration by the foregoing procedure, they shall be discarded.

8. ELECTION OF OFFICERS (continued)

8.4 Election of a Member-at-Large

Following election of the Chair and Vice Chair, the nomination and election of a Member-at-Large will also occur. Nominations will be made from the floor and seconded by the Committee members. Subsequent to the nominations, the Member-at-Large shall be elected by a numerical majority of the members attending the meeting using a secret ballot. If no candidate receives a numerical majority on the first ballot, the process for electing Chair and Vice Chair shall be followed until one candidate is favored by a numerical majority of the members attending the meeting. The election may be conducted in person or virtually with use of suitable electronic tools, with an emphasis on maintaining the secrecy of the ballots.

8.5 Special Election

In the event that a special election is required under the terms of 8.2 above, it shall be held at the earliest regularly scheduled Full Committee meeting following the announced need to fill the position(s). The election shall be conducted in accordance with the terms in 8.3 or 8.4 above.

9. CONDUCT OF MEMBERS

- 9.1 Though not explicitly constrained to do so by the enabling legislation, the Committee has historically functioned as a collegial body, focusing the members' disparate views into a common position. For this reason, it is inappropriate for an individual member to attempt to interpret Committee reports, recommendations, or actions, except as authorized by the Committee.

Individual members are always free, as individuals, to interact and communicate with individual Commissioners. This channel will normally, but not always, be opened by the relevant Commissioner seeking information, and it should always be clear that the member is not representing the Committee but is functioning as an independent expert. Such contacts, where substantive, should be noted to the Chair or to the Executive Director.

It is inappropriate for a member to use the latitude provided in the previous paragraph to undermine a declared Committee position.

- 9.2 Requests from the Congress, other agencies, or outside parties should normally be honored by referral to the Executive Director. If an individual member is asked for an opinion, the member should respond, but with emphasis on the fact that individual members do not speak for the Committee. Requests from the media require more circumspection. The guiding principle is that a member should not undermine or reinterpret a Committee position but is under no obligation to profess agreement with the Committee majority. The right to disagree does not imply the right to reinterpret.

- 9.3 When an individual member has a safety-related concern that is not being considered by the Committee, the member should recommend ACRS action by using the procedures in Section 5.2 of these Bylaws. The ACRS staff will support related activities on the part of the member, such as developing necessary information, consistent with normal staff activities.

If the Committee decides not to take a position on the identified issue, the member is free to provide opinions on the matter but should make it known that the opinions stated are personal and not those of the ACRS.

A member pursuing a safety matter that is either not currently under review by the Committee, or on which the member's views differ from those of the majority, is entitled to ACRS staff support, subject to normal office priorities. The Executive Director will arrange for staff support keeping in mind that Committee matters have the highest priority.

If the Committee examines an identified concern and reaches a conclusion with which a member disagrees, the preferred channel to express disagreement with ACRS reports is through additional comments to the Committee report. Members are discouraged from undermining the collegial position taken by the ACRS but are free to express their professional opinions as they additionally and personally judge the issue, always emphasizing that they speak for themselves. The ACRS staff will provide support to individual members within the context of normal Committee business.

9. CONDUCT OF MEMBERS (continued)

- 9.4 Members performing contractual work for organizations other than the NRC shall not use the information developed by or for the NRC that is not in the public domain.
- 9.5 In the course of their tenure on the Committee, members will be sent many documents, and will discard most of them when their burden exceeds their utility. At the end of a member's tenure on the Committee, the member will be expected to discard or return the remaining documents. Though technically government property, few, if any, will have any residual value. Any doubtful cases will be resolved by the Executive Director or designee.
- 9.6 Members (who are appointed as Special Government Employees) are expected to conform to all Federal regulations applicable thereto, as well as to the relevant NRC rules and regulations.
- 9.7 Members are expected to meet the highest professional standards of competence, integrity, objectivity, and collegial respect in upholding the reputation of the Committee.

10. CONFLICT-OF-INTEREST PROCEDURES

- 10.1 If a member feels that he or she may have a conflict of interest with regard to a subject to be addressed by the Committee, the member should mention it as early as possible, but in any case before the member participates in the discussion. The Committee will comply with all applicable laws and NRC regulations.

It should be noted that prior work on a subject under review, even when undertaken for another agency or organization, does not represent a conflict of interest per se, but should be revealed to the Committee, on the record. The degree to which this earlier work compromises the member's impartiality will be determined by the Committee on a case-by-case basis. On the rare occasions in which the Committee's proposed action implies a judgment of the quality of that earlier work, it is a matter of professional ethics that the member not vote.

- 10.2 When a member has a conflict on matters being considered by the Committee, the following procedures should be followed during the discussion of such matters at the Subcommittee/Working Group/Full Committee meetings and during the preparation of ACRS reports. These procedures are designed to ensure conflict-of-interest requirements are understood and followed, and to provide guidance for dealing with conflict-of-interest situations consistently by all members. The principles being implemented are that:

10.2-1 Members cannot participate in the Committee's review of their own work.

10.2-2 Members cannot personally and substantially participate in the review of any particular matter (including general matters such as a rulemaking) that could directly and predictably affect their personal financial interest or the financial interest of:

- Their spouse or minor child
- Their general partner or organization in which they serve as an officer, director, trustee, general partner, or employee
- An organization with which they are negotiating or have an arrangement for prospective employment

10.2-3 Members cannot personally and substantially participate in the review of any particular matter involving parties (such as a contract, grant license application or amendment, investigation, or enforcement action) that could directly and predictably affect the financial interests of the following:

- Members of their household
- Anyone with whom they have a financial relationship; or
- Relatives with whom they have a close personal relationship; or
- Anyone they served during the previous year as an employee, officer, director, trustee, general partner, agent, consultant, contractor, or attorney

10.2-4 Based on the specific facts, the ACRS Chair can grant a member a written waiver from these restrictions after consulting the Office of the General Counsel.

10.2-5 The NRC Chair can grant the ACRS Chair a written waiver from these restrictions.

10. CONFLICT-OF-INTEREST PROCEDURES (continued)

10.3 ACRS Meetings

During presentation or discussions at the Subcommittee/Working Group/Full Committee meetings, the member who has a conflict with the particular matter being considered:

- 10.3-1 Can ask questions to obtain clarifications or factual information.
- 10.3-2 Can provide information to correct misinterpretations of facts by other members, or technical insights which may help the members better understand the issues under consideration.
- 10.3-3 Should not engage in discussions which may be perceived by a reasonable person to be a criticism or endorsement of the appropriateness of the scope, direction, or quality of the work, or the adequacy of the methods or processes used to perform the work on the matter in which the member has a conflict of interest.

10.4 Preparation of ACRS Reports

The report preparation part of the ACRS meetings is the most significant part of the meetings where both actual and perceived conflicts of interest should be avoided. Government ethics rules and procedures must be observed to protect the integrity of the committee process, in addition to avoiding violation of ethics regulations. The Committee process should not be perceived as being “biased” as a result of a member’s organizational affiliation or contractual arrangements.

During preparation of ACRS reports, the member who has conflict with the particular matter being considered:

- 10.4-1 Should not participate in the Committee’s deliberations other than providing clarifications, technical insights, or factual information to other members.
- 10.4-2 Should not express opinions that would influence the Committee’s position on the matter.
- 10.4-3 Should not provide input to the Committee report that relates to the matter.
- 10.4-4 Should not try to influence the Committee directly or indirectly, or suggest changes to the reports that reflect the member’s views on the matter.
- 10.4-5 Should not make, participate, or vote on the “motions” to make changes to the reports on the matter.
- 10.4-6 Should not participate in the voting process for approving the report.

10. CONFLICT-OF-INTEREST PROCEDURES (continued)

- 10.5 When the ACRS is preparing a report that involves matters for which a member has a conflict of interest, these matters may be intertwined with all of the subjects being discussed. The member will then not be able to participate in any of the discussions related to the report. However, in some instances (such as in the review of a large program such as the RES program) it may be possible for the member to participate in some of the discussions. Guidance will be given to members on a case-by-case basis.

The other members should be informed/cognizant of a particular member's conflict and should not ask the member to provide views on matters for which the member has conflict.

- 10.6 During Subcommittee/Working Group/Full Committee meetings, the respective Chairmen are responsible for ensuring that the above procedures are implemented properly. The Designated Federal Officer (DFO) for these meetings should remind the Chair if these procedures are not complied with properly. If the DFOs believes that their reminders were ignored, they should promptly inform ACRS staff management.

11. MINUTES

- 11.1 The ACRS office will prepare certified minutes of all ACRS Full Committee meetings.
- 11.2 When factual information with potential archival value is being presented to the Full Committee or to a subcommittee, during a meeting that is open to public attendance, the presentation will normally be transcribed. Deliberative sessions will normally not be transcribed because the final report serves as the record of the results of the deliberation.
- 11.3 A working copy of the minutes will be prepared by the cognizant ACRS staff engineers and made available as soon as practicable to the Chair of the Full Committee. The Chair will certify the Full Committee meeting minutes, preferably within two months, subject to receiving the working copy of the minutes within 30 working days after the meeting. By certifying the minutes, the Chair attests to the best of his or her knowledge to the completeness and technical accuracy of the minutes.
- 11.4 Copies of the certified minutes will normally be distributed to the ACRS members and, when appropriate, to Committee consultants, and made publicly available as required by FACA.

12. COMMITTEE STAFF

- 12.1 The ACRS staff shall consist of an Executive Director and those technical and administrative personnel necessary to effectively support the Committee's activities. The Executive Director or delegate will serve as the Designated Federal Officer for all Full Committee or subcommittee meetings. The Executive Director is also responsible for management of the staff.
- 12.2 All ACRS meetings and agendas must be approved by the committee's Designated Federal Officer or alternate. The ACRS may not hold any meeting in the absence of its Designated Federal Officer or alternate.

13. CONSULTANTS

- 13.1 The Committee will occasionally find it necessary to augment its expertise with respect to specific disciplines. It will therefore maintain a list of available consultants, and will call upon them as needed, most often at the subcommittee level.
- 13.2 In accordance with NRC Management Directive 10.6, the ACRS Executive Director or designee must approve in writing the appointment or renewal of appointment for all consultants. If an ACRS member would like to recommend a specific individual for appointment to the ACRS as a consultant, the member should provide all pertinent information in a timely manner (e.g., résumé of the individual, expected contribution of the individual to the ACRS activities, etc.) to the ACRS Executive Director or designee for consideration and approval. Subsequent to the approval by the ACRS Executive Director or designee, the process delineated in Management Directive 10.6 will be followed for appointing the individual as an ACRS consultant.
- 13.3 All consultants' appointments are temporary appointments that may not exceed one year. October 1 through September 30 is the "Service Year" for consultants. All consultants must be reappointed at the beginning of each service year. Reappointment of a consultant is based on the contributions made by the consultant to ACRS activities and the continued needs.
- 13.4 The members should exercise caution in assigning tasks to a particular consultant. The members should not ask a consultant to perform certain tasks or attend a meeting without authorization by the ACRS staff management. The cognizant ACRS staff person will assist the members in obtaining authorization by the ACRS staff management for using a specific consultant.
- 13.5 Consultants' written reports to the ACRS office of their activities and views will be distributed to the interested ACRS members. Consultants' reports do not represent views of the ACRS members. Distribution outside the ACRS will be made only with the approval of the cognizant Subcommittee Chair and Committee Chair.
- 13.6 In many fields the number of experts is limited, and the Committee may occasionally make use of consultants already helping the NRC staff. When, conversely, the NRC staff makes use of an ACRS consultant on a matter the Committee has under consideration, further use of the consultant by the ACRS may compromise the Committee's apparent independence. Such matters will be addressed by the Committee Chair and ACRS Executive Director as they occur.

14. AMENDMENTS

- 14.1 Any member of the Committee may propose an amendment to these Bylaws. The proposed amendment will be distributed to the members by the Executive Director and scheduled for discussion at the next regular Full Committee meeting.
- 14.2 The final proposed amendment may be voted on not earlier than the first regular Full Committee meeting after it has been presented to the Full Committee.
- 14.3 A vote of two-thirds of the current ACRS membership shall be required to approve an amendment.