

## **Bylaws and Operating Procedures for the Initial Implementation Evaluation Panel**

### **Section I: Purpose**

The purpose of the Initial Implementation Evaluation Panel (IIEP) is to serve as a cross-disciplinary oversight group to independently monitor and evaluate the results of the first year of initial implementation of the NRC's reactor oversight process (ROP) and provide advice and recommendations to the Director of the Office of Nuclear Reactor Regulation on reforming and revising the ROP.

As deemed necessary, Loren Plisco (IIEP Chairman) may convene subgroups to support the IIEP functions. All activities of the subgroups will be in compliance with the Federal Advisory Committee Act (FACA).

### **Section II: Authority**

The Nuclear Regulatory Commission has determined that establishment of the IIEP is necessary and is in the public interest in order to obtain advice and recommendations on the reactor oversight process. The IIEP was chartered in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration. The IIEP is subject to the Federal Advisory Committee Act (FACA), as outlined in its Charter, filed with the Congress on October 17, 2000.

### **Section III: Membership Selection and Appointment**

Members of the IIEP are appointed by the IIEP Chairman for such terms as may be appropriate for the accomplishment of the IIEP's mission. Members will serve as representatives of groups that have been invited to furnish a representative to the IIEP, and will be selected to meet the FACA requirement for fairly balanced membership in terms of the of the points of view represented on the committee.

Membership includes the responsibility to attend the IIEP meetings personally. It is anticipated that the same representatives will attend all meetings. Rare substitutions for panel member attendance may be allowed at the discretion of the IIEP Chairman. NRC reserves the discretion to request the replacement of any representative who is unable to fully participate in the IIEP meetings.

### **Section IV: Meeting Procedures**

The IIEP will meet as required. Meetings will be called by the Designated Federal Official (DFO) in consultation with the Chairman according to the following considerations:

**A. Agenda:** The DFO will approve the agenda for all meetings. NRC will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of

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the meeting in the Federal Register. The notice of meeting will be published in the Federal Register at least 15 calendar days in advance of the meeting. Items for the agenda may be submitted to the DFO and/or the Chairman by any member of the IIEP. Items may also be suggested by nonmembers, including members of the public.

**B. Minutes and Records:** The DFO will prepare detailed minutes or transcripts of every meeting and will distribute copies (electronic preferably) to each IIEP member. Minutes of open meetings will be available to the public for inspection and copying. Minutes of meetings that have closed portions will also be available to the public for inspection and copying, subject to the withholding of matters that are exempt from disclosure under the Freedom of Information Act (FOIA). The minutes will include a record of the persons present (including the names of the IIEP members, names of staff, and the names of members of the public who made written or oral presentations) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued or approved by the IIEP.

All documents, reports, or other materials prepared by, or for, the IIEP constitute official government records and must be maintained according to NRC policies and procedures. Subject to the FOIA, they must be available to the public so long as the committee exists.

**C. Open Meetings.** Unless closure is authorized by law, all meetings of the IIEP will be open to the public. Once an open meeting has begun, it will not be closed for any reason, unless the notice of the meeting designated that a portion will be closed. All materials brought before, or presented to, the IIEP during the conduct of an open meeting will be available to the public for review or copying at the time of the scheduled meeting or shortly thereafter.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may, at the discretion of the Chairman, offer oral comment at such meeting. The Chairman may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Otherwise, the panel will allow a reasonable amount of time during each meeting for oral public comment, within the scope of the IIEP's charter and activities. Members of the public may submit written statements to the IIEP at any time.

**D. Closed Meetings:** While it is not anticipated that the panel will have any closed meetings, meetings of the IIEP will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by NRC's Office of the General Counsel (OGC) 30 days in advance of the session.

Where the DFO has determined in advance that discussions during a IIEP meeting should be closed and OGC has concurred, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act that permit such closure, will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during

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discussions, the Chairman will order such discussion to cease and will schedule it for a future closed session.

### **Section V: Consensus**

When a decision or recommendation of the IIEP is required, the panel will strive to achieve consensus (no one dissents from the position) view. The final report will include the consensus views of the panel, or the majority and minority views when the panel consensus cannot be achieved.

### **Section VI: Roles of the IIEP Officials**

**Chairman:** The Chairman works with the DFO to establish priorities, identify issues which must be addressed, determine the level and types of staff and financial support required, and serves as the focal point for the IIEP's membership. In addition, the Chairman is responsible for certifying the accuracy of minutes of IIEP meetings.

**Designated Federal Official:** By Law, the DFO must: (1) approve or call any meeting of the IIEP; (2) approve meeting agendas; (3) attend or chair all meetings; and (4) adjourn the meetings when he or she determines that such adjournment is in the public interest. It is expected that all agenda items recommended by panel members, within the the scope of the IIEP's charter and activities, will be included on the meeting agendas. It is expected that the Chairman and not the DFO will chair all meetings.

In addition, the DFO is responsible for providing adequate staff support to the IIEP, the performance of the following functions: (1) notifying members of the time and place for each meeting; (2) maintaining records of all meetings, including subgroup or working group activities, as required by Law; (3) maintaining the roll; (4) arranging for preparation of the minutes of all meetings of the IIEP's deliberations, including subgroup and working group activities; (5) attending to official correspondence; (6) maintaining official IIEP records, including those items generated by subgroups and working groups; (7) acting as the IIEP's agent to collect, validate and pay all vouchers for pre-approved expenditures; and, (8) preparing and handling all reports, including any final report that is required.

### **Section VII: Expenses and Reimbursement**

Expenses related to the operation of the IIEP will be borne by the Office of Nuclear Reactor Regulation. Expenditures of any kind must be approved in advance by the DFO. Each organization within NRR which sponsors a specific IIEP activity will be responsible for providing support services outlined in Section VI, and will assure compliance with FACA and GSA's related policies and procedures.

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Federal Government employees serving on the IIEP are not eligible for any form of additional compensation. Any reimbursement for expenses or per diem which may be required for non-government members will be at a rate equivalent to that allowable for Federal employees.

**Section VIII: Additional Information**

Questions regarding the operation of the Committee should be addressed to the DFO. Questions regarding the application of FACA and Federal ethics rules should be addressed to Trip Rothchild, the Assistant General Counsel for Legal Counsel, Legislation and Special Projects (301-415-1611).

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