



NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20565

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ACRS MEMBERS

DRAFT ACRS PROCEDURES FOR DIFFERING PROFESSIONAL OPINIONS

The following are draft ACRS procedures for handling dissenting professional opinions among NRC Staff Members and among ACRS Consultants.

BACKGROUND

NUREG-0567, Proposed Policy and Procedures for Differing Professional opinions, dated October, 1979, was published by NRC with a request for comments. The Committee recommended that paragraph 6.b of the document be revised to read as noted below. The NRC is considering the comments which have been received, and it is assumed for purposes of this memo that paragraph 6.b will be changed to the form suggested by the Committee, viz.

"If the differing professional opinion relates to a potential safety issue within the purview of the Advisory Committee on Reactor Safeguards, an NRC employee may communicate orally or in writing directly with the Chairman or any member of the ACRS. Such communication may be anonymous. The ACRS will append comments, as appropriate, to all written statements of differing professional opinion and will forward these statements for resolution to the appropriate NRC office director.

An NRC employee may also appear before the ACRS or an ACRS Subcommittee as deemed appropriate by the Committee. The ACRS will assure that all such statements that do not constitute a differing professional opinion are forwarded to the appropriate NRC office director for information."

Proposed Procedures for ACRS Handling Differing Professional Opinions Among NRC Staff Members and ACRS Consultants

A. Handling Dissenting Professional Opinions Among Members of NRC Staff

Differing professional opinions among NRC Staff Members (concerning matters within the purview of the Committee) which are brought to the attention of ACRS Members by NRC Staff Members will be handled as follows:

1. Written statements of differing professional opinions provided to the Committee or its members for consideration in accordance with NUREG-0567 should be provided to the ACRS Executive Director who will forward copies to all members with an appropriate cover memorandum.
2. The Executive Director will consult with the ACRS Chairman and Subcommittee Chairmen as appropriate to determine whether the matter should be assigned to a subcommittee for initial review, brought directly to the full Committee, or whether it is an item of a type that does not warrant Committee consideration.
3. The NRC employee who provided the differing opinion will be advised of the initial disposition at this stage by the ACRS Executive Director.
4. The NRC employee involved may appear before the Committee or an ACRS Subcommittee as deemed appropriate by the Subcommittee/Committee.
5. If a Member receives an oral communication, which represents a differing professional opinion by a Member of the NRC Staff, the caller should be asked to provide it in written form (it may be unsigned if the caller desires to remain anonymous) and provided to the ACRS Executive Director for distribution to all members. It will then receive the same handling as a written communication of this type received from an NRC Staff Member.
6. The ACRS Executive Director will, in accordance with the second paragraph of 6.b above, assure that statements received which do not constitute a differing professional opinion are forwarded to the appropriate NRC Office director by the ACRS Executive Director for information in accordance with NUREG-0567.

The NRC Staff Member involved will be kept informed of the action taken in response to his communication.

B. Differing Professional Opinions Among ACRS Consultants


In regard to ACRS Consultants, it will be the responsibility of the ACRS Subcommittee Chairman, to whom consultants are providing advice, to try to resolve any differing professional opinions by consultants which arise at Subcommittee meetings or are expressed in ACRS consultant reports prepared in support of the Subcommittee activities. In the event this resolution is not practicable at the Subcommittee level, the differing opinions of consultants should be brought to the attention of the full Committee so an appropriate Committee position can be established.

If consultant reports, containing differing professional opinions, are received regarding matters where there is not an obvious Subcommittee Chairman, the Engineer receiving the action copy of the report should bring the matter to the attention of the ACRS Executive Director. The

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ACRS Executive Director will then consult with the Committee Chairman and Subcommittee Chairmen as appropriate and, when considered appropriate, the Chairman will designate a Subcommittee to resolve the matter.

Since copies of all ACRS consultants' reports are provided to all members by the designated ACRS Project Engineer, no change in distribution procedures/practices are needed.


R. F. Fraley
Executive Director