

**Central Research Institute of Electric Power Industry**

**Nuclear Risk Research Center**

**Technical Advisory Committee**

**Bylaws**

**January 29, 2015**

**Revision Date**

**July 1, 2021**

## **PREAMBLE**

These Bylaws describe the procedures to be used by the Technical Advisory Committee for the Nuclear Risk Research Center (NRRC) in performing its duties, and the responsibilities of the members.

The role of the Committee is to provide oversight, review, and recommendations to ensure that all NRRC research programs and work products maintain the highest standards of technical excellence. The Committee will provide advice and will develop its recommendations from a fully independent perspective, without influence by any outside person or organization.

These Bylaws are intended to ensure that the Committee's advice is developed in a technically reasoned and transparent manner, while fully protecting the confidentiality of information that affects the safety and security of Japan's nuclear installations. The procedures provide assurance that the inputs to the Committee's deliberations are obtained and considered fairly, with transparency and are considered comprehensively, 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 should be resolved in such a way as to support those objectives. Internal conflicts of interpretation shall be decided by majority vote of the current membership of the Committee.

## 1. MEETINGS

- 1.1 The Committee will normally meet in full session for one week twice per year, in April and October. Scheduling conflicts may sometimes require deviations from this schedule. Such changes must be approved by the Committee and authorized by the Director of the NRRRC.
- 1.2 In unusual circumstances, special meetings may be scheduled on request by the Chairman or the Director of the NRRRC. A majority of the members of the Committee may also direct the Chairman to schedule a special meeting, for the purpose of discussing a particular subject or class of related subjects.
- 1.3 Committee meetings will be open to attendance by all parties involved with the issues to be discussed, except for those portions in which matters address confidential, proprietary, or security-related information. Active participation in the meeting is normally limited to:
  - Members of the Committee
  - Consultants or others assisting the Committee, as needed
  - NRRRC staff and its consultants and contractors, as needed
  - Representatives of affected nuclear installations, research facilities, and their consultants and contractors, as needed
  - Other stakeholders, as permitted.
- 1.4 The Chairman has both the authority and the responsibility to maintain order and decorum and may, at his discretion, recess the meeting until a later time if these are threatened. He 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 the Committee business.
- 1.5 Recording of the meeting will be permitted when the Committee has had prior notification, and to the extent that it does not interfere with the proper conduct of Committee business, or with the rights of the attending participants.
- 1.6 The Chairman shall preside over the meeting. At his discretion, the Chairman can delegate the responsibility to preside over the meeting to another member.

## 2. MEETING AGENDA

- 2.1 An agenda will be published at least one month prior to each full Committee meeting. Agenda items will normally be recommended by individual Committee members, NRRC staff, and representatives of nuclear installations or research facilities. The final agenda will be approved by the Committee Chairman and made available to all interested participants.
- 2.2 Items that require Committee review and comments, and special requests by the Director of the NRRC, will receive high priority on the agenda. To the extent feasible, all review items that require a Committee report should be scheduled for the first half of the meeting week so as to allow adequate time to prepare and/or revise a proposed report for full Committee deliberation. Information items, and items of general interest, may be placed on the agenda subject to the availability of time.
- 2.3 The meeting agenda will normally reserve approximately one-half day for Committee deliberations, preparation of draft report materials, and discussions of Committee administrative matters.
- 2.4 Except in unusual circumstances, the full Committee will not review a matter unless documentation adequate to support a responsible review is provided to the members in a timely fashion, but no later than two weeks before the meeting.
- 2.5 An urgent item requiring speedier review than contemplated above will be placed on the agenda only with approval by the Committee Chairman.
- 2.6 Issues may come to the attention of the Committee through a variety of means, including self-generation by the Committee. Whatever the source, review may be through any appropriate mechanism, including but not limited to, placement on a meeting agenda, creation of a Working Group, or referral to a lead Committee member for further examination.

### **3. CONDUCT OF MEETINGS**

- 3.1 A quorum for a meeting of the full Committee consists of a minimum of two-thirds of the current membership. Decisions shall be made by a majority of the members participating in the meeting. 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.
- 3.2 The Chairman may take part in the discussion of any subject before the Committee, and may vote. The power of the Chair should not be used to bias or otherwise limit the discussion, but the Chairman should use that power to keep the meeting focused and approximately on schedule. If the Chairman is a strong advocate of one side of a controversial item, the Chairman should ask another member to preside over that part of the meeting. Any dispute over the Chairman's level of advocacy shall be resolved by a majority vote of those members present and voting, with a tie supporting the Chairman's position.
- 3.3 The NRRC staff shall prepare minutes of all Committee meetings in English and Japanese. A working copy of the minutes will be made available to the Committee Chairman as soon as practicable, and not later than 30 days after the meeting. The Chairman will review and certify the minutes. By certifying the minutes, the Chairman attests to the completeness and technical accuracy of the minutes.
- 3.4 The certified minutes shall be retained in the Committee files. Copies shall be distributed to all Committee members and the Director of the NRRC. Upon request, copies of the minutes may be made available to the public, subject to retraction of confidential, proprietary, or security-related information.

## **4. INTERIM COMMITTEE CONSULTATIONS**

- 4.1 It is expected that complex matters may require frequent informal communications among Committee members to discuss and clarify specific technical issues, information, and questions. These communications are encouraged. They do not constitute formal Committee consultations, so long as they are not conducted for the specific purpose of reaching a Committee consensus or recommendation.
- 4.2 Circumstances may occasionally require timely advice or recommendations from the Committee during periods between scheduled full Committee meetings. In these circumstances, the Chairman may organize an interim Committee consultation, in lieu of convening a special meeting to address a single topic. These consultations will be normally be conducted by telephone, videoconference, or other similar medium.
- 4.3 Interim Committee consultations will be conducted according to the same procedures that apply for a full Committee meeting, including the requirements for a quorum of the Committee membership. Other individuals as needed to support the Committee's deliberations may participate in the discussions, subject to approval of the Committee Chairman.
- 4.4 If the consultation is intended to produce a formal Committee report, preliminary proposed Committee positions and supporting information should be prepared in writing and distributed to all members in a timely fashion prior to the consultation, to ensure that all members are familiar with the topics to be discussed.
- 4.5 Following Committee discussion and deliberation, a draft of the proposed final Committee report shall be distributed for approval by a majority vote of all participating members.
- 4.6 A record of each interim Committee consultation will be maintained in the form of archived copies of all materials discussed during the meeting, initial and final versions of any Committee report, and meeting minutes.

## 5. REPORTS

- 5.1 The Committee shall communicate the results of its reviews, findings, and recommendations to the Director of the NRRC through written reports. No Committee position is final or binding until it has been formally documented in a written report and approved by a majority of the voting Committee members.
- 5.2 All Committee reports shall be publicly available. A portion of a Committee report may be withheld from public disclosure only if it contains confidential, proprietary, or security-related information.
- 5.3 To the extent possible, preliminary proposed Committee positions and supporting information should be prepared in writing prior to the full Committee meeting. Proposed reports do not represent a Committee position and are intended only to facilitate Committee deliberations. Their distribution shall be strictly limited to Committee members, supporting NRRC staff, and contributing consultants prior to their consideration by the full Committee.
- 5.4 Once a report is approved final by the Committee, it shall be issued as expeditiously as possible after the following actions.
  - 5.4-1 The NRRC staff shall review the reports for technical accuracy and clarity. Any proposed editorial changes shall not alter the intent of the Committee. The author(s) and the Committee Chairman will review the appropriateness of the changes proposed by the staff and approve or disapprove them, as warranted. In the event of a disagreement between the author(s) and the NRRC staff on a particular change, the Committee Chairman's ruling will prevail.
  - 5.4-2 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 Chairman recommend deferral of the report. The Chairman can also recommend deferral of a report if the Chairman feels that it contains ambiguity regarding the Committee's position and needs clarity. The NRRC 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 deferred. The matter in question shall then be resolved as expeditiously as possible during an interim Committee consultation or the next full Committee meeting.
- 5.5 If any Committee member is recused from the deliberations on a particular matter, as for example due to a possible conflict of interest, this circumstance should be noted in the final Committee report.

## **6. ADDITIONAL COMMENTS TO COMMITTEE REPORTS / INDIVIDUAL VIEWS**

- 6.1 Committee reports will normally reflect collegial views, and unanimity will often be achieved.

Nonetheless, there will be occasions in which the majority is not convinced 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.

- 6.1-1 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.
- 6.1-2 The author(s) of additional comments shall be named.
- 6.1-3 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).
- 6.1-4 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(s) must then announce to the Committee their intent to submit additional remarks, indicate the nature of the remarks, and must submit the text to the NRRC office within five (5) days following conclusion of the meeting, whether through e-mail, fax, or other means.
- 6.1-5 Upon receipt, the NRRC staff shall distribute the text of the additional comments to all members who participated in preparation of the subject report. If a member then desires to add their name to the comments, the member shall so inform the staff within 48 hours after receipt of the remarks.
- 6.2 There may be occasions when a member feels a subject is of significance, but is unable to persuade the majority of the Committee that it warrants a Committee report. In such cases, it is not possible to append the member's views to a Committee report, according to the process that is described above. However, a subject that is deemed of significance to any member of the Committee should not be left unaddressed. In such cases, the member should first make a good-faith effort to persuade the Committee to take action, either by writing a position paper on the subject, or by requesting the Committee to form a Working Group to conduct an examination of the subject. 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 the member's satisfaction on the subject. A member using this option should make every effort to apply the same professional standards to their individual communication as are expected from the Committee as a whole. At the discretion of the original author, any member can add their name to the report.
- 6.3 In an unusual situation when the Director of the NRRC requests Committee comments on a specific matter, but the full Committee decides to not take any action, comments of individual members may be transmitted by a forwarding memo from the Committee Chairman. These comments shall be provided to the full Committee for

information.

## **7. LEAD MEMBERS, WORKING GROUPS, AND CONSULTANTS**

- 7.1 Individual Committee members will have the lead responsibility for reviews and assessments of specific research projects, technical issues, analytical methods and models, and other focused topics for consideration by the full Committee. These responsibilities will normally be determined by mutual agreement among the Committee members, considering factors such as pertinent technical expertise, schedule constraints, and individual member workloads.
- 7.2 Examinations of complex issues may require broad expertise in multiple technical disciplines, or they may involve time or workload constraints that cannot be easily managed by a single member. In those cases, the Committee will establish an ad hoc Working Group of two or more members to examine the issue and organize information for consideration by the full Committee.
- 7.3 In some cases, the Committee may provide more focused technical direction for specific NRRC projects or research activities to supplement its normal review and oversight functions. These activities will be initiated only by mutual agreement between the Committee Chairman and the Director of the NRRC. Protocols will be established on a case-by-case basis to ensure that these activities do not compromise the Committee's independent advisory function.
- 7.4 The Committee will occasionally find it necessary to augment its expertise with respect to specific technical disciplines or to supplement Committee members' interfaces with specific projects. The Committee will engage expert consultants to provide these functions, and will call upon them as needed. When the Committee determines that it would benefit from a consultant's expertise, the Chairman shall prepare a written request to the Director of the NRRC that describes the required technical capabilities, the proposed scope of work to be performed, and the expected duration of the consultant's assignments.
- 7.5 Committee members should exercise caution in assigning tasks to a consultant. Members should confer with the Committee Chairman before they ask a consultant to perform tasks that may be outside of the authorized scope of work.
- 7.6 Consultants' written reports of their activities and recommendations shall be retained in the Committee files and will be distributed to all interested Committee members. Consultants' reports provide expert information and are used as input to the Committee's deliberations. They do not represent views of the Committee or its individual members. Distribution of consultants' reports outside the Committee will be made only with the approval of the lead member for the respective issue and the Committee Chairman.
- 7.7 In many fields the number of experienced experts is limited, and the Committee may occasionally make use of consultants already helping the NRRC staff or other Japanese organizations. Because this practice could be viewed as compromising the Committee's independence, it should be avoided to the extent practical. However, the primary consideration for selection of a particular consultant will be to ensure that the Committee obtains the maximum benefit from internationally recognized technical expertise. Therefore, such matters will be addressed as they occur, using the principles described in the Preamble.

- 7.8 The member with lead responsibility for the specific technical issue or project should ensure that a consultant does not independently offer guidance or recommendations to any external organization that conflict with the Committee's established technical positions.
- 7.9 The Committee Chairman is responsible for ensuring that lead responsibilities are distributed equitably among the Committee members. At least once every three months, the Committee Chairman shall confer with the Director of the NRRC to ensure that appropriate technical staff and consultant resources are made available to support the Committee's directed activities. If NRRC resource constraints limit the technical effectiveness or the timeliness of the Committee's reviews or guidance, the Chairman shall communicate these constraints to the Director of the NRRC in writing, and propose alternatives to the requested scope of reviews or schedules to ensure that the Committee's recommendations and oversight functions maintain a consistently high standard of technical excellence and independence.

## 8. CONDUCT OF MEMBERS

- 8.1 Although not explicitly constrained to do so, it is intended that the Committee will function as a collegial body, focusing the members' individual 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.

Members are always free, as individuals, to interact and communicate with the Director of the NRRC. In these instances, it should always be clear that the member is not representing the Committee, but is functioning as an independent expert. Such communications, where substantive, should be noted to the Chairman.

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

- 8.2 Judgment should be used when requests for interpretation of Committee positions are received from outside organizations. Such requests should normally be referred to the Committee Chairman. If an individual member is asked for their views, they 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 pretend that they agree, if they do not. The right to disagree does not imply the right to reinterpret.

- 8.3 When an individual member has a technical concern that is not being considered by the Committee, they should recommend Committee action by using the procedures in Section 6.2 of these Bylaws.

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

A member pursuing a technical matter that is either not currently under review by the Committee, or on which their views differ from those of the majority, is entitled to receive support from the NRRC staff, 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 is through additional comments to the Committee report, as described in Section 6.1 of these Bylaws. Members are discouraged from undermining the collegial position taken by the Committee, but are free to express their professional opinions as they additionally and personally judge the issue, always emphasizing that they speak for themselves. The NRRC staff will provide support to individual members within the context of normal Committee business.

- 8.4 Members performing contractual work for organizations other than the NRRC shall not use information developed by or for the NRRC that is not in the public domain.
- 8.5 In the course of their tenure on the Committee, a member will be sent many documents, and will discard most of them when they are no longer useful. At the end of their tenure on the Committee, a member should discard or return the remaining documents. Any doubtful cases will be resolved by the Chairman or his designee.

## 9. CONFLICT-OF-INTEREST PROCEDURES

- 9.1 If a member feels that they may have a conflict of interest with regard to a subject to be addressed by the Committee, they should mention it as early as possible, but in any case before they participate in the discussion.

It should be noted that prior work on a subject under review, even when undertaken for another organization, does not represent a conflict of interest per se, but should be revealed to the Committee and recorded in the meeting minutes. 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.

- 9.2 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 in full Committee meetings, interim Committee consultations, and during the preparation of Committee reports. These procedures are designed to ensure that 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:

9.2-1 Members cannot participate in the Committee's review of their own work.

9.2-2 Members cannot personally and substantially participate in the review of any particular matter, including general matters such as direction of research priorities, that could directly and predictably affect their personal financial interest or the financial interest of:

- Their spouse, minor child, or relatives with whom they have a close personal relationship
- 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

9.2-3 Based on the specific facts, the Committee Chairman, with concurrence by the Director of the NRRC, can grant a member a written waiver from these restrictions.

### 9.3 Committee Meetings

During presentations or discussions at the full Committee meetings or interim Committee consultations, the member who has a conflict with the particular matter being considered:

9.3-1 Can ask questions to obtain clarifications or factual information.

9.3-2 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.

- 9.3-3 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.

#### 9.4 Preparation of Committee Reports

Preparation of Committee reports is the most significant activity where both actual and perceived conflicts of interest should be avoided. The highest levels of professional and personal ethics must be observed to protect the integrity of the Committee process. The Committee's conclusions and recommendations should not be perceived as being "biased" as a result of a member's organizational affiliation or contractual arrangements.

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

- 9.4-1 Should not participate in the Committee's deliberations, other than providing clarifications, technical insights, or factual information to other members.
- 9.4-2 Should not express opinions that would influence the Committee's position on the matter.
- 9.4-3 Should not provide oral or written input to the Committee report that relates to the matter.
- 9.4-4 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.
- 9.4-5 Should not make, participate, or vote on motions to make changes to the reports on the matter.
- 9.4-6 Should not participate in the voting process for approving the report as long as it contains any advice, position, or comments on the matter.

- 9.5 In some instances (such as the review of a large multi-disciplined research program), it may be possible for the member to participate in some of the discussions about issues for which there is no conflict. Guidance will be given to members on a case-by-case basis. The other members should be cognizant of a particular member's conflict and should not ask the member to provide their views on matters for which the member has a conflict.

## **10. AMENDMENTS**

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