



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 7, 1997

Mr. Ronald A. Milner, Director
of Program Management and Integration
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

SUBJECT: DOCUMENTING AND DISCLOSING POTENTIAL CONFLICT OF INTEREST IN
EXPERT ELICITATIONS FOR THE GEOLOGIC REPOSITORY PROGRAM

Dear Mr. Milner:

On October 17, 1996, during the second probabilistic seismic hazard analysis-seismic source characterization workshop, staff from the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) met briefly to discuss the issue of documenting and disclosing potential conflicts of interest (COIs) in an expert elicitation. Specifically, the DOE staff is seeking input on acceptable approaches to disclosing and documenting potential COIs.

NRC has recently published the "Branch Technical Position on the Use of Expert Elicitation in the High-Level Radioactive Waste Program," NUREG-1563, dated November 1996. By design, NUREG-1563 is non-prescriptive, to allow the needed flexibility in addressing the various issues associated with the use of expert elicitation. Therefore, although NUREG-1563 states that in selecting experts for the elicitation, all potential COIs should be documented and disclosed, it does not recommend specific approaches for accomplishing this task.

However, in light of the Department's request for input, NRC staff has identified several approaches that currently exist on documenting and disclosing potential COIs. A copy of the procedure on "Evaluation of Potential Conflict of Interest," prepared by the Center for Nuclear Waste Regulatory Analyses (CNWRA), is enclosed. This procedure focuses on documenting and evaluating potential COIs in the context of work to be performed for the NRC by the CNWRA. Comparable policies and procedures may exist between DOE and its contractors, and, if available, may be appropriate for consideration for expert elicitations conducted by DOE for the Geologic Repository Program. In addition, the staff is enclosing forms and a description of the process for documenting and disclosing potential sources of biases and COIs used by the National Academy of Sciences (NAS). The NAS is frequently tasked to address issues that are highly controversial and has developed a comprehensive process, particularly for the disclosure of potential biases and COIs.

R. Milner

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The Department may wish to examine and consider this information in implementing staff guidance in NUREG-1563 for documenting and disclosing potential COIs. If you have any questions or comments, please contact Christiana H. Lui of my staff at (301)415-6200.

Sincerely, /s/

John H. Austin, Chief
Performance Assessment and High-Level
Waste Integration Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

cc: R. Loux, State of Nevada
J. Meder, Nevada Legislative
Counsel Bureau
C. Einberg, DOE/Washington, DC
M. Baughman, Lincoln County, NV
D. Weigel, GAO
B. Mettam, Inyo County, CA
W. Cameron, White Pine County, NV
L. Fiorenzi, Eureka County, NV
C. Schank, Churchill County, NV
W. Barnard, NWTRB
A. Melendez, NIEC
R. Arnold, Pahrump, NV
J. Lyznicki, AMA
B. Price, Nevada Legislative Committee
W. Barnes, YMPO
A. Gil, YMPO
M. Murphy, Nye County, NV
D. Bechtel, Clark County, NV
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Sincerely,



John H. Austin, Chief
Performance Assessment and High-Level
Waste Integration Branch
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**CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES**

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Title Evaluation of Potential Conflict of Interest

EFFECTIVITY AND APPROVAL

Revision 3 of this procedure became effective on May 31, 1996. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change</u>	<u>Date Effective</u>
All	0	May 31, 1996

CONTROLLED
COPY *Bruce Mabrito*

Supersedes Procedure AP-001 Revision 2, Change 2.

Approvals

Written By

Date

Cognizant Director

Date

CNWR Form AP-

Enclosure

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EVALUATION OF POTENTIAL CONFLICT OF INTEREST

1. INTRODUCTION

The need to avoid conflict of interest (COI) in technical assistance and research programs was a principal reason for establishing the Center for Nuclear Waste Regulatory Analyses (CNWRA) (Contract No. NRC-02-93-005, Section C.1.1.2). Although initial concerns regarding COI were restricted to CNWRA work under the Nuclear Waste Policy Act (NWPA), similar concerns relate to CNWRA support to NRC in non high-level waste (HLW) programs. Many prospective CNWRA employees, other Southwest Research Institute (SwRI) personnel performing work for the CNWRA, subcontractors, and consultants to the CNWRA now or in the past have worked for the Department of Energy (DOE), its contractors, other affected parties under the NWPA, or other Nuclear Regulatory Commission (NRC) licensees and their contractors. Prior and/or ongoing work of this type introduces the potential for real or perceived COI which could delay or otherwise jeopardize NRC licensing activities.

2. PURPOSE AND SCOPE

The purpose of this procedure is to provide fundamental criteria and a means for formally documenting CNWRA management evaluations of potential COI among current and prospective employees, other SwRI personnel performing work for the CNWRA, subcontractors, and consultants to the CNWRA. This will ensure that no real or perceived COI arises, or that the occurrence of such is effectively mitigated, so that it is demonstrably clear that the CNWRA, its staff, and all personnel and organizations used to support the NRC in fulfillment of its regulatory mission provide research results, technical assistance, and advice that are technically sound, objective, and impartial. This procedure is developed in the context of and meets the intent of the provisions of the contract.

This procedure applies only to personnel and organizations who are or may become engaged in management, technical assistance, technical review, and research activities of the CNWRA. It is first used before an individual or organization is allowed to engage in CNWRA activities, and prior to employment for the core CNWRA staff. Subsequently, it is applied whenever an individual or organization is considered for a significantly different assignment that may introduce a potential COI not previously considered.

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3. DEFINITIONS

Individual COI - A relationship exists whereby an individual has past, present, or future planned interests related to the work to be performed for the CNWRA, including work for others, which (i) may diminish his or her capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product, (ii) may result in him or her being given an unfair competitive advantage, or (iii) may otherwise result in the CNWRA not being able to support future NRC activities due to a COI.

NRC Licensee - A license applicant, potential license applicant, or their contractors responding to legislation or NRC regulations including but not limited to the NWPA, low-level waste (LLW) management, uranium recovery, and site decommissioning management plan programs.

Organizational COI - A relationship exists whereby an organization has current or future planned interests related to the work to be performed for the CNWRA, including work for others, which (i) may diminish its capacity to give impartial, technically sound, objective assistance and advise or may otherwise result in a biased work product, (ii) may result in its being given an unfair competitive advantage, or (iii) may otherwise result in the CNWRA not being able to support future NRC activities under the NWPA due to a COI.

Party to the NWPA - The DOE, NRC, affected states and tribes, and other agencies and organizations that the NWPA acknowledges to have a direct role in licensing of a HLW repository and/or a Monitored Retrievable Storage (MRS) Facility.

Potential COI - A factual situation exists that suggests (indicates) that an actual COI may arise. The term "potential conflict of interest" is used to signify those situations which merit investigation prior to employment or assignment of an individual or award of a contract to an organization in order to ascertain whether employment or contract award would give rise to an actual conflict.

Work - Any technical assistance, technical review, or research activity or management of such activity related to licensing a HLW repository or MRS facility at any DOE-proposed site, or other NRC-regulated facility. Both past and current work are subject to COI evaluation.

4. RESPONSIBILITY

4.1 The President of the CNWRA is responsible for promulgating, revising, and evaluating compliance with this procedure. The President presides at meetings of the COI committee to evaluate potential COI.

4.2 The Technical Director of the CNWRA, in fulfilling responsibilities for identifying and allocating resources, is responsible for implementing this procedure.

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4.3 The President, Technical Director, Assistant Director for Systems Engineering and Integration (ADSE&I), the cognizant Element Manager, and as appropriate, the Director of Washington Technical Support Office comprise the management committee for evaluating potential COI. The Director of Quality Assurance serves as Secretary to this Committee.

4.4 The cognizant Element Manager is responsible for identifying potential COI and preparing materials for use by the Committee in evaluating COI concerns.

5. CRITERIA

The following fundamental criteria form the basis for evaluating potential COI among prospective CNWRA employees, other SwRI personnel performing work for the CNWRA, subcontractors, and consultants to the CNWRA to assure that CNWRA remains COI-free in its support to the NRC. Note that although these criteria are worded in the past tense, they apply to both past and current work activities. If in the future individuals or organizations engage in activity that introduces a COI with assignments within the CNWRA, they will be immediately excluded from further CNWRA work in that area of COI.

5.1 Organizations shall not provide technical or policy reviews or advice on work they directly performed, for which they had management responsibility or which would result in their being given an unfair competitive advantage.

5.2 Personnel shall not provide technical or policy reviews or advice on work they directly performed or for which they had management responsibility.

5.3 Personnel and organizations shall not develop or directly support development of NRC technical or policy positions that are based principally or substantially on work they directly performed or for which they had management responsibility while employed by any party to the NWPA other than the NRC or by any other NRC licensee.

5.4 Personnel and organizations shall not participate in any CNWRA activity that is directly related to issues, positions, or decisions for which they have taken a position of advocacy for any party to the NWPA other than the NRC or for any other NRC licensee.

5.5 Personnel and organizations may be utilized by the CNWRA to conduct original research. Such research may be in technical areas in which they directly performed work or for which they had management responsibility while employed by a party to the NWPA other than the NRC or by another NRC licensee. Since research of this nature constitutes original work, no COI is deemed to exist in such cases.

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- 5.6 Personnel and organizations may be utilized to perform analyses and interpretations of data, including data which they may have directly acquired or had management responsibility for acquiring while employed by a party to the NWPA other than the NRC or by another NRC licensee, provided that the supporting work has been independently reviewed and approved by the NRC or its contractors, incorporated in a consensus standard, or otherwise independently determined to be acceptable.
- 5.7 Personnel and organizations may be utilized to develop or support development of technical criteria that are based principally or substantially on work they directly performed or for which they had management responsibility while employed by any party to the NWPA other than the NRC or by another NRC licensee, provided that the supporting work has been independently reviewed and approved by the NRC or its contractors, has been incorporated in a consensus standard, or has otherwise been independently determined to be acceptable.
- 5.8 Personnel may be utilized to perform work, provide aid, counsel, or assist in representing the CNWRA in any proceeding (with regard to work they supervised or directly performed as an employee of the NRC), only after their participation has been reviewed and approved by the Office of General Counsel, NRC, under 10 CFR § 0.73526 and 18 U.S.C. 207. All former senior NRC employees (10 CFR § 0.73526(d)) shall be constrained by the specific prohibitions in place at the time.
- 5.9 Personnel and organizations may be utilized in such other activities of the CNWRA as the CNWRA management deems appropriate, with concurrence by the NRC CNWRA Program Manager.

6. PROCEDURE

The following procedure shall be used by CNWRA management in evaluating potential COI, for considering mitigation of the effects of such potential COI, and for seeking waivers from the requirements of this procedure. This procedure will be applied both before an individual or organization first engages in CNWRA activities and before any significantly different assignment that may introduce potential COI not previously considered.

A. EVALUATION

A management committee comprising the President, Technical Director, ADSE&I, the cognizant Element Manager, and, as required, the Director of the Washington Technical Support Office shall perform the evaluations. The following steps shall be followed.

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- 6.1 An Element Manager will identify a required area of expertise and a prospective individual or organization to provide the expertise. This will typically occur when developing or modifying the staffing section of the CNWRA Management Plan or individual Operations Plan. It may also occur as a result of a special request from NRC or in response to a reallocation meeting.
- 6.2 The Element Manager shall prepare and submit to the COI committee an evaluation portfolio containing:
- a. Resumes and reasonably detailed work history of the prospective individual or organization, as appropriate.
 - b. Signed letter from the individual or organization attesting to the belief that he/she (it) is currently free from COI, intends to remain free from COI, and will notify the CNWRA if he/she (it) undertakes other work which may give rise to a COI.
 - c. A completed COI Questionnaire for Preliminary Evaluation of Potential Conflict of Interest, Form AP-001-01 (Figure 1).
 - d. Brief but reasonably complete description of proposed work assignment.
 - e. Brief statement regarding the role of the work in issue resolution, performance assessment, policy evaluation, etc., in the context of the overall program.
 - f. Assessment of programmatic impact of not using the prospect as proposed, including indication of available alternative personnel or organizations.
- 6.3 The committee shall meet to evaluate any potential COI using the information provided in Section 6.2 and the criteria provided in Section 5. The President of the CNWRA may delegate evaluation of potential COI and preparation of a recommendation to a committee member, for final action by the committee as a whole.
- 6.4 The committee shall prepare a brief report of their finding and transmit it to the Element Manager for action.

B. MITIGATION AND WAIVER

In unusual cases, it will be desirable to engage the services of an eminently qualified individual or organization which has a potential COI. The following steps shall be followed when such situations arise.

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CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES QUESTIONNAIRE FOR PRELIMINARY EVALUATION OF POTENTIAL CONFLICT OF INTEREST

Name: _____ Social Security Number: _____

A. GENERAL BACKGROUND RELATED TO DOE ACTIVITIES

1. Have you worked on activities directly or indirectly funded by the U.S. Department of Energy (DOE)? Yes/No If yes, describe your involvement, including a brief description of the scope of work, listing of papers which resulted from such activities, as appropriate (attach additional sheets, if necessary).

2. Have you worked on activities directly or indirectly funded by the DOE that were related to the commercial nuclear fuel cycle? Yes/No If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

B. BACKGROUND RELATED TO DOE HIGH-LEVEL WASTE (HLW) ACTIVITIES

3. Have you worked on activities directly or indirectly funded by the DOE that were related to the processing of defense or commercial high-level nuclear wastes into forms for subsequent disposal (such as borosilicate glass)? Yes/No If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

4. Have you participated in or managed activities directly or indirectly funded by the DOE that had the purpose of developing a technical consensus or technical criteria, or of establishing a uniform methodology related to evaluation of HLW disposal? Yes/No If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

5. Have you participated in or managed activities directly or indirectly funded by the DOE that had the purpose of formulating policy? Yes/No If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

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6. Have you assumed a position of advocacy regarding issues, positions, or decisions of the DOE in matters related to the commercial nuclear fuel cycle, commercial HLW, or defense HLW? Yes/No If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

7. Provide a complete list of all of your publications which you have reason to believe could be used in supporting DOE application to construct a repository in the tuffaceous rocks at Yucca Mountain in the state of Nevada (attach additional sheets as necessary).

C. BACKGROUND RELATED TO HLW ACTIVITIES OF OTHER AGENCIES

8. Identify any work of the types listed in items 1 through 7 above which you performed for other parties to the Nuclear Waste Policy Act, including affected states, tribes, and other groups which may have acted as advocates of or intervenors to the development of a HLW repository (Attach additional sheets as necessary).

D. BACKGROUND RELATED TO OTHER NRC LICENSING ACTIVITIES

9. Identify any work which you performed for a licensee for low-level waste disposal or contractor to such organization. Include work on low-level waste disposal facilities licensed directly by NRC or under Agreement State Provisions.
10. Identify any work which you performed for a NRC licensee or licensee applicant, or contractor to such organization, including, but not limited to, uranium recovery and site decommissioning management plan projects.
11. Have you accomplished any work related to the Nuclear Waste Policy Act or to other NRC-licensed activities or facilities? Yes/No If yes, you are requested to submit abstracts for the CNWRA review.

The information provided on this form is to the best of my knowledge true and accurate.

Signature

Date

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- 6.5 The committee shall make a determination based on the evaluations delineated in Sections 6.1-6.4 of this procedure as to whether the benefit to the CNWRA and the NRC outweighs the negative effect of the COI. If so, the Committee will propose administrative controls to mitigate the effect of such COI and will petition the NRC for a waiver from the requirements of this procedure. The NRC has sole discretion in granting such waivers on a case-by-case basis. The results of such determination shall be documented.
- 6.6 Proposed means to mitigate a potential COI may incorporate an appropriate combination of factors which include, but are not limited to (i) independent review and approval of the work that creates the potential COI by the NRC or its contractors, (ii) incorporation of the work that creates the potential COI in a consensus standard, and (iii) acceptance of the work that creates the potential COI by the technical community, as may be demonstrated by its publication and favorable review of implementation in scientific or engineering practice. The selection, implementation, and evaluation of the effectiveness of any mitigating factors to be applied in a given situation are NRC decisions. The results of such an NRC determination shall be documented.
- 6.7 For the special case of candidates for participation in peer reviews, advisory groups, or workshops, proposed means to mitigate a potential COI may incorporate administrative controls that include, but are not limited to (i) requiring full disclosure and documentation describing relationships, if any, with organizations or persons which may give rise to actual or potential COI in the event of a contract/sub-contract award, (ii) providing for a balance of differing technical perspectives in selection of peer review or workshop members, (iii) offsetting the potential COI through selection of a preponderance of members which have no COI, (iv) segregating the individual's comments to facilitate subsequent identification and evaluation of individual bias, (v) requiring individual expression of dissenting opinions, (vi) proscribing the individual from reviewing and commenting on particular portions of the subject matter, and (vii) controlling the end use of the results of such peer review or workshop so that it has no unacceptable programmatic impact. The selection, implementation, and evaluation of the effectiveness of any mitigating factors to be applied in a given situation are NRC decisions. The results of such an NRC determination shall be documented.
- 6.8 When submitting a waiver request to the NRC, the CNWRA shall enclose a copy of the proposed statement of work for the candidate individual or organization in questions. In addition, the waiver request shall include the resume of the candidate/individual or, in the case of an organization, its current scope of work. Additionally, copies of titles of formal papers by the candidate/individual and the funding organization will be provided to the NRC. In the case of a waiver request for an organization, current and project future work will be identified along with the funding organization, and a listing of relevant papers/articles which have been published under the company's name.

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7. **RECORDS**

All items identified as documentation within this procedure shall be maintained as administrative records in accordance with SwRI procedures and shall be retained for six years, or as long as the individual or organization is in the employment of the CNWRA, which ever is longer.

**NATIONAL ACADEMY OF SCIENCES
NATIONAL ACADEMY OF ENGINEERING
INSTITUTE OF MEDICINE**

NATIONAL RESEARCH COUNCIL

Potential Sources of Bias and Conflict of Interest

INSTRUCTIONS TO THE INDIVIDUAL COMPLETING THIS FORM

1. Please read THE NATIONAL RESEARCH COUNCIL POLICY ON POTENTIAL SOURCES OF BIAS AND CONFLICT OF INTEREST IN STUDIES AND RELATED ACTIVITIES which begins on page 5.
2. REPORT ON PAGES 2-4 ONLY THAT INFORMATION WHICH IS RELEVANT AND MERITS DISCLOSURE IN LIGHT OF:
 1. THE NATIONAL RESEARCH COUNCIL POLICY ON POTENTIAL SOURCES OF BIAS AND CONFLICT OF INTEREST IN STUDIES AND RELATED ACTIVITIES and
 2. THE TASKS TO BE UNDERTAKEN BY THE PARTICULAR COMMITTEE, PANEL OR OTHER GROUP ON WHICH YOU WILL SERVE.

For each category for which there is no information that needs to be reported, write the word "NONE" in the space provided.

3. Contact the cognizant staff officer listed below if you have any questions regarding the completion of this form.
4. When this form has been completed, sign and date this form and return it to the cognizant staff officer listed below. *Retain a copy for your records.*
5. If you simultaneously serve on more than one NAS/NAE/IOM/NRC committee, panel, or other group, you may receive a form to be completed for each activity. You may list all relevant information for all activities on one form and attach a photocopy of that form to each of the other forms in lieu of fully completing each separate form.

During an individual's period of service in connection with the activity for which this form is being completed, any changes in information reported on this form or any new information relevant to the question of potential bias or conflict of interest should be promptly reported to the cognizant staff officer.

STAFF OFFICER: (Name, NRC Unit, NRC Address,
Telephone Number and FAX number)

Enclosure

**NATIONAL ACADEMY OF SCIENCES
NATIONAL ACADEMY OF ENGINEERING
INSTITUTE OF MEDICINE**

NATIONAL RESEARCH COUNCIL

Potential Sources of Bias and Conflict of Interest

NAME: _____ **TELEPHONE:** _____

ADDRESS: _____

EMPLOYER: _____ **TITLE:** _____

NAS/NAE/IOM/NRC Committee: _____

The responsibility for determining the information to be reported rests in the first instance with the individual completing this form.

REPORT ONLY THAT INFORMATION WHICH IS RELEVANT AND MERITS DISCLOSURE IN LIGHT OF:

1. **THE NATIONAL RESEARCH COUNCIL POLICY ON POTENTIAL SOURCES OF BIAS AND CONFLICT OF INTEREST IN STUDIES AND RELATED ACTIVITIES and**
2. **THE TASKS TO BE UNDERTAKEN BY THE PARTICULAR COMMITTEE, PANEL, OR OTHER GROUP ON WHICH YOU WILL SERVE.**

For each category for which there is no information to be reported, write the word, "NONE" in the space provided. Attach additional sheets if necessary.

-
- I. ORGANIZATIONAL AFFILIATIONS.** Report relevant business relationships (as an employee, owner, officer, director, consultant, etc.) and relevant remunerated or volunteer non-business relationships (e.g., professional organizations, trade associations, public interest or civic groups, etc.)

- II. FINANCIAL INTERESTS.** Report relevant information regarding financial interests and investments in companies, partnerships, joint ventures, trusts, real property, stocks and bonds, etc., by listing the company, partnership, etc. by name and a brief description and by listing the property by location. Please list the approximate value of any interest or investment reported.
- III. RESEARCH SUPPORT.** Report relevant information regarding sources of research support (other than your present employer).
- IV. GOVERNMENT SERVICE.** Report relevant service (full-time or part-time) with federal, state, or local government in the United States (including military service), but report *all* government service (including advisory boards, etc.) within the past five years.

V. PUBLIC STATEMENTS AND POSITIONS. List relevant articles, testimony, speeches, etc., by date, title, and publication (if any) in which they appeared. Provide a brief description of relevant positions of any organizations or groups with which you are closely identified or associated.

VI. ADDITIONAL INFORMATION. If there are other circumstances in your background or present connections that in your opinion might reasonably be construed as unduly affecting your judgment in matters within the assigned task of the group to which you have been appointed or which might be reasonably viewed as creating an actual or potential bias or conflict of interest or the appearance of a bias or conflict of interest, please describe them briefly.

SIGNATURE

DATE

Reviewed by: _____

Executive Director

Date

Executive Office

Date

This statement is privileged to those NRC offices whose proper business it is. It is the policy of the National Research Council that this statement may be released, on a privileged basis, to the head of any agency sponsoring the study or other activity in which a committee is engaged, if that official so requests in writing and if the Chairman of the National Research Council concurs. It will not be otherwise released by the NRC or the agency except with the approval of the individual completing the form unless required by law.

November 1, 1992

THE NATIONAL RESEARCH COUNCIL POLICY ON DISCLOSURE OF PERSONAL INVOLVEMENTS AND OTHER MATTERS POTENTIALLY AFFECTING COMMITTEE SERVICE

Introduction

The National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the National Research Council accord special importance to the policies and procedures established by the institution for assuring the integrity and hence the public confidence in the reports prepared by its committees. The policies address two types of issues. One is examining the question of potential sources of bias and conflict of interest in committees of the institution engaged in studies and other related activities. The other is the question of the participation of persons who are subject to formal investigations of allegations of scientific misconduct. Those policies and procedures are summarized in this document.¹

The work of the institution is largely done by volunteer committees appointed for their special expertise in the area of study. Each year roughly 10,000 scientists, engineers, and other professionals working on such committees contribute their knowledge and experience to the solution of national problems, the identification of new scientific and technical goals and opportunities, and other forms of national service. These men and women are drawn from every part of the nation and from every sector of society—academia, industry, government, nonprofit and public interest groups, and so on. The technical skills and perspectives of this distinguished and diverse group of individuals are essential to the ability of the institution to consistently produce accurate and objective assessments of national problems and needs.

Extensive efforts are made to assure the soundness of reports issued by the institution by selecting highly qualified committee members. Yet, if a report is to be not only sound but also effective as measured by its acceptance in quarters where it should be influential, the report must be, and must be perceived to be, (1) free of any significant conflict of interest, and (2) not compromised by bias, and (3) untainted by allegations of scientific misconduct. Conclusions by fully competent committees can be undermined by allegations of lack of objectivity, or conflict of interest, or misconduct on the part of its members.

"Bias" and "Conflict of Interest"

To address questions of potential bias and conflict of interest for the protection of both the individual involved and the institution, individuals participating in studies and other activities are asked to complete a "Potential Sources of Bias and Conflict of Interest" form to be submitted to and reviewed by the institution. In addition, committees are asked to discuss the general questions of bias and conflict of interest, and the relevant circumstances of their individual members, at the first committee meeting, and annually thereafter. Information regarding potential bias or conflict of interest is carefully considered by the institution in the overall composition of committees and in the appointment (or reconsideration of appointment) of individuals to committees.

For any individual who has completed a "Potential Sources of Bias and Conflict of Interest" form, *any changes in information previously reported or any new information relevant to the question of potential bias or conflict of interest should be promptly reported to the institution.* Such newly reported information will be promptly considered by the institution and such action will be taken as deemed necessary or appropriate by the institution, in consultation with the affected individual.

¹ Because of the importance of these policies, they have been approved by the Councils of the National Academies of Sciences and Engineering and the Institute of Medicine, as well as the National Research Council's Governing Board.

Defining "Bias" and "Conflict of Interest"

The question of potential sources of "bias" ordinarily relates to views stated or positions taken that are largely intellectually motivated or that arise from the close identification or association of an individual with a particular point of view or the positions or perspectives of a particular group. Such potential sources of bias are not necessarily disqualifying for purposes of committee service. Indeed, it often is necessary, in order to ensure that a committee is fully competent, to appoint members in such a way as to represent a balance of potentially biasing backgrounds or professional or organizational perspectives.

It is also essential that the work of committees not be compromised by any significant conflict of interest, or in some circumstances the significant appearance of conflict of interest, on the part of any member of a committee or anyone associated with the work of a committee (e.g., consultants, staff, etc.). For this purpose, the term "conflict of interest" means any financial or other interest which conflicts with the service of an individual because it (1) could impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization. The existence of a significant conflict of interest ordinarily disqualifies an individual from service.

At any given time, the NAS-NAE-IOM-NRC is engaged in hundreds of studies and other activities involving thousands of volunteers working on topics that range across the entire spectrum of science, technology, and public policy. The diversity and complexity of this undertaking make it difficult to state complete, all-encompassing rules that will anticipate and address every possible situation involving bias or conflict of interest. *The following guidelines addressing commonly occurring situations are provided as an aid to defining and identifying possible bias or conflict of interest in connection with studies, reports, committee composition and operation, and other functions and activities of the institution.*

Individual Economic Impact. Actions taken on the basis of reports or other activities of the institution may result in an economic benefit or loss to particular individuals or groups. For example, the stringency of environmental regulation in a given industry may be relaxed or tightened. Or federal research funding for a particular research discipline may be increased or decreased. The fact that an individual is part of a group that may be directly affected, thereby possibly having an indirect economic effect on the individual or on others with whom the individual is associated or related, would normally constitute a potential source of bias. But where the potential economic effect on the individual or on others with whom the individual is associated or related is substantially more direct and immediate, there may be a conflict of interest.

(a) For example, if an individual is selected to serve on a committee conducting a broad study of proposed new scientific missions in space, the fact that the individual is a consultant or employee of an aerospace company may be a source of bias. Or if an individual is selected to serve on a committee conducting a study of research alternatives and funding priorities in a particular scientific field, the fact that the individual is a faculty member or research scientist at an institution that conducts research in that field may be a source of bias, depending upon the individual's

own involvement in the field and other factors. In either example, the existence of possible bias would not ordinarily disqualify an individual from service but would be a factor to be taken into account in the overall composition of the committee.

(b) On the other hand, an individual should not participate in a study in which there is a significant possibility, based upon the nature and scope of the study, that policy recommendations or other similar advice resulting from the study would, if implemented, have a direct and substantial economic impact on the individual, on others with whom the individual is closely associated, or on any person with whom the individual has a family or marital relationship or similar close personal relationship. For example, if the institution were conducting a study of proposed modifications in the federal regulation of a particular application of biotechnology, any individual proposed for study committee membership who is a stockholder or a director of a biotechnology company would necessarily receive extra scrutiny. If an independent observer could reasonably conclude that the individual's objectivity could be compromised because the particular company involved would be likely to experience a direct and substantial change in market value if the regulatory requirements under study were changed, that individual would have a significant conflict of interest with respect to that study.

(c) In addition, an individual should not participate in any decision regarding the award of a contract or grant or any other substantial economic benefit, to the individual, to any person with whom the individual has a family or marital relationship or similar close personal relationship, to the individual's immediate employer, or to any organization in which the individual has a substantial financial interest or from which the individual has derived or may derive a substantial economic benefit, since to do so would be a conflict of interest. Where appropriate safeguards have been established, an individual described in the preceding sentence may participate in a study or activity so long as that individual is excluded from all deliberations and decisions on matters arising in the course of that study or activity for which the individual has a conflict of interest as described in the preceding sentence. A written record of the deliberations and decisions from which an individual has been excluded should be maintained by the responsible staff officer.

Proprietary Information. In the course of a study or other activity at the institution, an individual employed by or associated with a particular organization or enterprise should not be given access to proprietary information (e.g., trade secrets, confidential financial information, etc.) of a competitor or potential competitor unless APPROPRIATE safeguards have been established that reasonably protect the interests of all parties. Otherwise, such access may create an unfair competitive advantage, as well as possible liability for improper disclosure or use. In situations involving access to proprietary information, contact the Office of the General Counsel for guidance.

Public Statements and Positions. An individual may have become committed to a fixed position on a particular issue through public statements (e.g., testimony, speeches, interviews, etc.), through publications (e.g., articles, books, etc.), through close identification or association with the positions or perspectives of a particular group, or through other personal or professional activities. This would ordinarily constitute a potential source of bias. In extreme situations — e.g., where the individual is currently president of a professional society that espouses the same fixed position on the issue — the situation may constitute a conflict of interest.

Designing or Implementing Procurements. The institution may become involved from time to time on behalf of a particular sponsoring agency in studies relating to the development of a work statement or request for proposals, the review of proposals, or some other arrangement for a particular procurement

or series of procurements by the agency. To avoid possible conflicts of interest and misunderstandings regarding actions that may be taken to avoid conflicts of interest, any individual who is employed in any capacity by, or who has a financial interest in or other economic relationship with, any organization that may seek an award under such procurement or series of procurements — as well as any individual who may seek such an award directly on his or her own behalf — should participate in such a study only after the following requirements have been met: (1) the procurement agency must be informed of such circumstances, and (2) the individual or organization must be advised that, in order to avoid creating an unfair competitive advantage, the individual's participation in the study may cause the procurement agency to limit the subsequent eligibility of the individual or organization to seek an award. In addition, the individual must be advised that certain legal restrictions applicable to government employees may also become applicable to the individual.

Access to Government Information. The opportunity to have access to sensitive government information during the course of a study or other activity at the institution, if abused or misused, may confer an unfair competitive advantage. An individual should not participate in a study or other activity at the institution involving access to sensitive government information that is not reasonably available to the general public if the individual intends to use, or uses, such information for the individual's own direct and substantial economic benefit. The same rule applies if the individual intends to disclose, or discloses, such information (albeit not unlawfully) to other individuals or to organizations in such a manner that a direct and substantial economic benefit may be conferred on such individuals or organizations. The restrictions described above do not apply to information once it has entered the public domain. In some situations (e.g., classified information, medical records, proprietary information, certain procurement information, etc.), special limitations on access to and use of government information will be required.

Reviewing One's Own Work. It is not uncommon for individuals serving on committees engaged in particular studies to find that their own published and professional work, in common with others in the field, is part of the technical basis and literature for the committees. This ordinarily would not constitute a source of bias or conflict of interest. However, an individual should not serve as a member of a committee engaged in a study in which a critical review and evaluation of the individual's own work or that of his or her immediate employer is expected

to be a central purpose of the study, but such an individual may provide relevant information to the study.

Employment by a Sponsoring Agency. An individual who is employed by an agency which is sponsoring a study or other activity in which a particular committee is engaged ordinarily cannot be a member of that committee, although the individual can serve as an agency liaison representative. However, in special circumstances and to the extent not prohibited or limited by federal law or regulation, such an individual may serve as a member of such a committee where the following requirements are met: (1) the service of the individual on the committee must be based upon the unique scientific or technical expertise which the individual brings to the committee; (2) the individual must not be involved in any way within the agency in any deliberative or decision-making process or any policy-making or similar process relating to the study or other activity or the expected or intended results of the study or other activity; and (3) it must be specifically determined during the committee appointment process that service by the individual will not compromise, or appear to compromise, the independence or objectivity of the particular study or other activity in which the committee is engaged. In the work of the institution, scientists, engineers, health specialists, and others working at national laboratories often meet the above requirements, while government officials in policy-making roles do not.

The examples set forth above are illustrative but not all-inclusive. Clearly, other examples could be cited. For instance, use by an individual of confidential information obtained through participation in the work of the institution to trade in securities for the individual's own benefit would be a conflict of interest, and may be illegal as well.

The examples set forth above are simply intended to address common situations and to convey a sense of the manner in which situations not specifically addressed above will be handled. Any other situation involving "bias" or "conflict of interest," as those terms are generally defined above or by applicable federal law, is also subject to this policy.

Procedures for Addressing Possible Bias and Conflict of Interest

The institution follows a procedure that seeks (1) to guard against conflict of interest and unrea-

sonable bias, (2) to maximize the credibility of reports among those to whom they are directed and among any others concerned, (3) to identify individuals whose service in a particular capacity would not be appropriate, and (4) to equip the institution, through early consideration of any potential sources of bias or conflict of interest, to defend committee members, their selection for the task, and their reports against possible allegations of bias or conflict of interest.

Potential bias and conflict of interest are considered by the institution, based upon available information, in the initial process of selecting committee members prior to making committee appointments. Individuals appointed to committees are asked to complete a "Potential Sources of Bias and Conflict of Interest" form, listing relevant connections and interests and any relevant positions taken that may constitute potential sources of bias or conflict of interest within the meaning of this policy in light of the tasks to be undertaken by the committee. Thereafter, any changes in the information previously supplied or any new information — e.g., new employment, new consulting relationships, new investments, etc. — that are relevant to the question of potential bias or conflict of interest should be promptly reported to the institution.

Committees are also asked to discuss the general questions of bias and conflict of interest, and the relevant circumstances of their individual members, at the first committee meeting, and annually thereafter. This discussion procedure is used because of a belief that an important source of protection for the public interest and for committee members and their work lies in a frank discussion within the committee, from time to time, of whether there is cause for concern about the committee's actual objectivity or its credibility in light of its tasks and its members' interests.

The completed forms, as well as information developed during the committee discussion, are reviewed by the appropriate units of the NAS-NAE-IOM-NRC to determine whether a conflict of interest exists and whether the desired balance in committee composition has been achieved. Adjustments may then be made, for example, by adding additional members to the committee or by limiting or reconsidering the participation of a particular individual. If previously unknown connections revealed by the forms raise questions, they are taken up with the individual involved. If questions persist, the final decision regarding the composition of a committee or a particular individual's service on the commit-

tee rests with the chairman of the National Research Council.

All completed forms are treated in confidence. Access to these forms within the institution is restricted to those offices whose proper business they are. It is the policy of the institution that the forms may be released, on a privileged basis, to the head of an agency sponsoring the study or other activity in which a committee is engaged, if that official so requests in writing and if the chairman of the National Research Council concurs. These forms are not otherwise released by the NAS-NAE-IOM-NRC or the agency except with the approval of the individuals completing the form, unless release is required by law.

The request for information on the "Potential Sources of Bias and Conflict of Interest" form, and the discussion of potential sources of bias and conflict of interest, are not intended to question the personal integrity of any individual. Indeed, the "Potential Sources of Bias and Conflict of Interest" form is designed to elicit *only* that information which is relevant and merits disclosure in light of the bias and conflict of interest policy set forth above and the tasks to be undertaken by the particular committee on which the individual would serve. The responsibility for determining the information to be reported rests in the first instance with the individual completing the form, in reliance upon the individual's own sense of integrity and good judgment. The overriding objective is to ensure that the work of those who volunteer their time and energy to the institution and the national interest is not compromised or diminished by bias or conflict of interest.

Procedure for Addressing Allegations of "Scientific Misconduct"

Allegations of scientific misconduct on the part of a committee member may also undermine the acceptance and potential influence of the committee's report. Similar considerations apply to members of standing boards and commissions, which exercise oversight of committee projects. In the event that an individual then serving on an NRC or IOM committee or other unit is notified by his or her employer or by a federal research funding agency that he or she is the subject of a formal investigation for scientific misconduct, the participant is obliged to inform the NRC. This information should be directed in confidence to the NRC Chairman, who, in consultation with the affected member and others as appropriate, will determine if the allegations raise concerns about the eventual acceptance or influence of scheduled reports. Should the NRC Chairman conclude that continued service of the affected member will jeopardize the effectiveness of institutional reports, the member will resign or be removed by the NRC Chairman. Persons who have been subject to this policy and who subsequently are determined not to have engaged in scientific misconduct may be returned to appropriate NRC service.

Information not in the public domain related to alleged scientific misconduct on the part of a committee member will be treated in confidence. Access to such information within the institution will be restricted to those offices whose proper business it is. Such information will be disclosed outside the institution only with the approval of the affected individual, or as required by applicable government regulations or otherwise required by law.

Revised January 7, 1994

Composition and Balance--Guidelines for Process Management and Memo Preparation

SCOPE

This document defines responsibilities, practices, and procedures related to assessment of the composition and balance on CETS boards and committees. These procedures assume that candidates for CETS boards and committees with obvious conflicts of interest will be eliminated in the screening process that goes on before a nomination package is prepared.

WHAT ARE BIAS AND CONFLICT OF INTEREST ?

The following is quoted from the National Research Council *Policy on Potential Sources of Bias and Conflict of Interest in Studies and Related Activities*, November 1, 1989.

Bias ordinarily relates to views stated or positions taken that are largely intellectually motivated or that arise from the close identification or association of an individual with a particular point of view or the positions or perspectives of a particular group. Such potential sources of bias are not necessarily disqualifying for the purposes of committee service. The term conflict of interest means any financial or other interest which conflicts with the service of an individual because it (1) could impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization.

The Policy statement includes a range of examples to illustrate the difference between a potential source of bias and a conflict of interest. In general, if an individual's economic interest might be indirectly affected by findings or recommendations of the study, the individual has a potential source of bias that should be acknowledged. If the economic interests of the individual, the individual's employer, or members of the individual's immediate family would be directly and substantially affected, a conflict of interest may exist. If an individual has made public statements supporting, or is publicly identified with, one side of a controversy in which the study may become involved, that is a potential source of bias. It may be a conflict of interest if a major current institutional role of the individual i.e., current employment or officer of a professional

Enclosure

society would make a change of opinion difficult. A point of view that is strongly held is only a potential source of bias, as long as the individual is open to considering evidence for other views or against the one held.

WHAT IS COMPOSITION AND BALANCE ?

New NRC committees must meet two tests: first, they must be appropriately composed and second, they must be balanced. The first of these two tests centers around the question of whether the committee embodies the range of skills and knowledge needed to address the study tasks. The second is a question of whether the committee, when viewed as a whole, can be judged balanced in its ability to address the study topic in an impartial, objective fashion (for further information, see Script for Overview, Expectations, and Composition and Balance).

Identification of an NRC committee slate requires the development of a clear strategy for ensuring appropriate composition and balance of bias. Based on the project Statement of Task, the staff must thoughtfully identify the areas of technical expertise required and identify and seek to balance policy issues and potential areas of controversy. Staff must also determine whether there is a need for non-technical representation (e.g., economist, lawyers, public interest groups, political scientists, etc.) to achieve balance on the committee. (For further information, see *Committee Formation Guidelines* in the CETS database.)

WHEN AND HOW ARE COMPOSITION AND BALANCE ADDRESSED ?

Board directors and study directors, as opposed to board and committee chairs, are primarily responsible for achieving and assessing appropriate committee composition and balance on CETS committees and boards. Board and study directors are thus responsible for addressing this topic at the following critical points:

1. *Preliminarily in the project prospectus.* The prospectus should contain a discussion of proposed committee formation approach, including a list of the required areas of expertise for committee members. (See *Guidelines for Prospectus Preparation*).
2. *At the time a nomination package is submitted for approval.* All nomination packages must contain a discussion of the competing interests in the board or study and must explain how the board or committee, if approved as nominated, will be balanced in light of these competing interests. (See *Guidelines for Nomination Package Preparation*).
3. *At the first meeting of a committee or board at which a composition and balance discussion must be carried out.* (Discussed below).
4. *In completion of the composition and balance memo immediately after*

the first meeting and after subsequent meetings at which supplemental composition and balance discussions are held. (Discussed below).

5. In an annually scheduled review and discussion of composition and balance for all boards and committees. (Discussed below).

6. At any other time when any significant changes that might affect potential sources of bias or the balance within a board or committee are identified. Such changes would include resignations, changes in employment of committee members, and so forth. below).

COMPOSITION AND BALANCE--FORMS, DISCUSSIONS, AND MEMOS

Within the NRC there are several mechanisms by which relevant information used to judge the composition and balance of a committee is captured and assessed. These mechanisms include personal resumes, required completion by each committee or board member of the form titled *Potential Sources of Bias and Conflict of Interest in Studies and Related Activities* (bias form), open committee discussions at the first meeting and annually thereafter, and a memo, prepared by staff, addressing the composition and balance of the committee. Following is guidance for completion of the bias forms, conduct of the composition and balance discussion, and completion of the composition and balance memo.

Completion of the Bias Forms

The board director is responsible for assuring that all *Potential Sources of Bias and Conflict of Interest* forms (bias forms) are completed.

Newly appointed board and committee members should receive their forms sufficiently in advance of the first meeting to permit return and a thorough review by the board and study directors prior to the first meeting. Any omissions and errors in the forms should be corrected before or at the first meeting. All forms containing blanks should be either (1) returned to the member for completion or (2) completed by the staff with information received directly from the member. In the second case, the information should be entered in the appropriate space and initialed and dated by the responsible staff person.

Because the purpose of these bias forms is to illuminate information relevant to the specific project statement of task, a new form must be completed for each new service. Specifically, this means that if, for example, a member of a board is appointed to serve on a committee under that board, he/she must complete a new form for this new activity. Also, if a board decides to undertake a project as a board,

the entire board membership must complete a new form for the new activity. If, however, a member is serving on a committee and also on subcommittees or panels of that committee, only one form is necessary.

The board and study directors are responsible for collecting forms from all members of the board or committee. If their efforts are unsuccessful and the member continues to be unresponsive, the board director should contact the CETS executive director for assistance. This notification should take place as soon after the first meeting as possible. A member must not attend more than two meetings if his/her bias form is outstanding.

Every time bias forms submitted to the CETS executive office (e.g., after first meeting and for annual updates), the board director must review, initial, and date each form.

Conducting and Recording of Composition and Balance Discussions

Composition and balance discussions will be held at the first meeting of all new committees and annually thereafter. Discussions are held annually for ongoing boards and standing committees. Normally these discussions are led by the executive director of CETS or the associate executive director. Assistance from the board director or study director will be expected in order to tailor the discussion as appropriate to the particular study. Composition and balance discussions may be held at any time during the first board or committee meeting, but staff is encouraged to schedule the discussions after the board or committee has had an opportunity to hear the NRC Expectations presentation, to learn more about its responsibilities and discuss its statement of task. However, the discussion should not be scheduled at inopportune times, e.g., at the very end of the first day, over dinner, or at the end of the last day of the meeting.

Composition and balance discussions must be recorded and transcribed onto paper immediately after the meeting. Although it is not necessary to do an extended edit on the transcript, the following minimum standards must be met: (1) individual speakers must be properly identified, (2) all significant abbreviations must be spelled out, (3) no gaps in information, and (4) edited to a sufficient degree to make it readable.

The transcript is a permanent part of the project files maintained in the board. When the project records are archived, transcriptions of all composition and balance discussions should be archived as well. A copy of the transcript also must be attached to the composition and balance memo (discussed below).

Every effort should be made to include all board/committee members in the composition and balance discussion; for example, conference calls should be arranged, if possible, for members physically absent, so that they might hear the remarks of other members and summarize their own potential sources of composition and balance.

Members who do not participate in the initial composition and balance discussion must participate in a **supplemental discussion** at the earliest opportunity. Before the supplemental discussion is held, the absent member(s) must be informed of the composition and balance discussion of other members of the board or committee. To accomplish this task, the staff has two options:

a. If a transcript of the earlier discussion is ready, it may be shown, on a privileged basis, to the members who were absent from the earlier discussion. Such transcripts should be clearly marked "privileged, not for duplication" and should be recovered immediately after review. The transcript should not leave the premises of the NRC.

b. A supplemental composition and balance discussion that includes all member of the committee or board (i.e., those members who were present at the first discussion as well as those who were absent) must be held.

The supplemental discussion must be taped, transcribed, and added to the transcript of the earlier discussions. All supplemental discussion transcripts should be archived with the project files.

Preparing the Composition and Balance Memo

The study director must prepare a composition and balance memo and submit it via the board director to the CETS executive office within three weeks of the composition and balance discussion. All completed

bias forms for the board/committee are to be attached to the memo, along with a completed *Bias Inventory Form* (revised 12/93). A copy of the inventory form should be retained in the originating office to be used for submission of supplemental composition and bias memos.

The composition and balance memo must contain an analysis of the balance within the board or committee and a finding as to its composition and balance or lack thereof. In the latter case, recommendations must be advanced to correct the imbalances that exist. Board or study directors should consult with the respective board or committee chair on the balance, if possible, and obtain his/her concurrence on the findings. The views of the chair should be given full consideration; however, it is a *staff responsibility* to assure balance--not the responsibility of the chair.

Whenever a supplemental discussion is held for a member absent from the original discussion, a supplemental composition and balance memo must be prepared and forwarded to the executive office within *three weeks* of the supplemental discussion. The supplemental memo should include all of the elements listed below (including a copy of the transcript of the supplemental discussion). A copy of the *Bias Inventory Form* should be updated and submitted with the package.

The following is a summary of all required elements for the development of all composition and balance memos.

1. *Brief Project Summary:* The first paragraph should consist of a brief summary of the project purpose and statement of task. It should reflect the appropriate elements of the study that were used in the analysis and assessment of the composition and balance board or committees.

2. *Logistical Information:* The second paragraph should include the following information:

- Date of the meeting at which the composition and balance discussion was held
- Name of the individual who led the discussion
- Names of all members of the board or committee who were present for the discussion
- Names of all members of the board or committee who were *not* present for the discussion
- A statement that the transcription has been maintained as a part of the permanent record of the board or committee's work

3. *Findings:* The statement of findings should provide the following: (1) an assessment as to whether the staff believes that the board or committee has made a full disclosure of relevant facts concerning bias and potential conflicts of interest, (2) a conclusion

as to whether the board or committee represents a balance of potentially biasing backgrounds or professional or organizational perspectives (identification of such potential bias does not automatically disqualify the member, but it should alert the staff to the possibility of a need to assure that the committee is balanced on its coverage of the issue), (3) a conclusion as to whether the board or committee has the breadth of expertise and is fully competent to complete its task. The statement should also note whether the chair of the board or committee concurs with the findings.

Findings on factors such as geographical, gender, or other balances not directly related to the activity are not appropriate for the memo; they should have been addressed in the nominations package.

4. *Transcript of the Discussion:* An edited copy of a transcript from the composition and balance discussion is to be attached to the memo. Every committee or board member must participate in the composition and balance discussion. If an individual did not attend the meeting, the memo should analyze the materials available (e.g., resume and bias form) and include a summary based on the facts in his/her background that relate to the study. In these instances the memo should include a statement that the person was not present at the meeting and that his/her discussion will be conducted at the next meeting.

All composition and balance memos must be signed by the study director and sent to CETS via the board director (in the case of committees).

At the bottom of each composition and balance memo, included the following lines:

"CETS Executive Director has reviewed this memo and concurs with the findings.

Signed _____
Date _____."

ANNUAL REVIEW OF COMPOSITION AND BALANCE

For every active board and committee there must be an *annual review of composition and balance*. Procedures for the conduct of this review are as follows:

The board or committee staff will retrieve the original *Potential Sources of Bias Statements* for the board or committee members from the CETS EO. These original forms will be given to the members to be *revised, signed, and dated*.

A full board or committee discussion of *changes in status* relevant to the committee composition and biases of each member will be held. The discussion will be *transcribed*. Within three weeks of that discussion, a *supplemental composition and balance memo* will be prepared and submitted to the CETS executive office. The supplemental memo will discuss any changes in status noted during the discussion

and will contain the CETS sign-off lines specified above.

All members must participate in the annual review. If any member is absent from the meeting at which an annual review is held, he/she should participate in a supplemental discussion at the next meeting, following the guidelines for members absent at initial composition and balance discussions, as stated above. Within three weeks after the follow-up discussions, a supplemental composition and balance memo shall be submitted to the CETS EO. A copy of the Bias Inventory Form should be updated and submitted with the package.

EXECUTIVE OFFICE RESPONSIBILITIES

Bias Forms

The executive director or the associate executive director will examine and sign all bias forms. Any problems or concerns will be discussed with and resolved by the board director.

After approval by the executive director or associate executive director, all forms will be retained in the executive office until three years after the committee is dissolved or the member is dismissed from a board or standing committee, at which time the appropriate form will be destroyed in accordance with Academy procedures.

Composition and Balance Memo

The executive director or the associate executive director will promptly examine the composition and balance memo along with the bias forms and, if applicable, will formally indicate concurrence with the memos findings by signing the lines provided at the bottom of the memo. Any deficiencies identified will be discussed with the board director to determine appropriate action. If necessary, the executive director will work with the board director and the NRC General Counsel to resolve questions or concerns.

The completed composition and balance memos together with the bias forms will be retained at CETS executive office.

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STUDY DIRECTOR

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