

Non-Concurrence

OCWE Champion Checklist:

- ☒ Become familiar with the material in this handbook.
- ☒ Make sure employees are aware of the process and their rights in using it.
- ☒ Tell employees what they can do if they think have been subjected to reprisal for using the Non-concurrence Process.
- ☒ Support assessment of the Non-Concurrence Process and make recommendations for revisions in the Management Directive.
- ☒ Review all office-level procedures to ensure that that are consistent with the guidance in the Management Directive. Consider the need for explicit office-level implementation and exercise the Web philosophy, “post once...link many” as a way of ensuring guidance consistency.

NCP Facts at a Glance:

- Established in 2006.
- Draft Management Directive 10.158, “Non-Concurrence Process.”
- Applies to all documents undergoing concurrence. The NCP applies equally to administrative and corporate support issues, policy issues, and technical concerns.
- Non-concurrence is part of the normal NRC document review and concurrence process.
- The NCP is open to those on document concurrence, and to document reviewers and contributors provided they were assigned by supervisors to perform these roles.
- Even when employees do not meet the applicability of the procedures, document signers should be encouraged to allow employees to engage in the NCP if they have legitimate reasons for providing information to decision-makers (actively engaged in issue, but not asked to concur). The simple question should be whether this information can add value and help inform our regulatory decision-making.
- Engaging in the NCP is an employee’s choice (supervisors cannot request that employees file non-concurrences).
- If an employee does not agree with a document, he or she may either:

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1. submit their concerns using the NCP form, or
 2. request to be removed from concurrence. In other words, employees can verbally express a differing view and choose NOT to engage in the NCP. However, document sponsors must assure the adequacy of the concurrence chain and make document signers aware of important concerns that resulted in the request.
- There is no timeliness goal or metric for the NCP. The time to respond to an NCP is part of the timeliness goal of getting the subject document issued. Extensions may be necessary to support a complete review and documented response to the non-concurrence.
 - The NCP does not require independent review; non-concurrences are addressed by the individuals normally responsible for documents in concurrence.
 - The NCP requires use of NRC Form 757 to facilitate the process. Non-concurring individuals and those responding to non-concurrences must use the form.
 - Revised NRC Form 757 (on SharePoint) includes tracking number and implementation guidance. (Process improvements in response to OIG audit on NCP.)