

From: N.P. Kadambi
To: Stratplan@NRC.gov
Date: Mon, Dec 22, 2003 10:28 AM
Subject: Comments on Draft Strategic Plan

10/24/03
RDB received
me

I request the enclosed comments to be incorporated into the Draft Strategic Plan. The comments are mainly directed at assuring that recent work at RES is fully reflected on matters related to performance-based regulation, as well as address some editorial issues.

There are 9 comments enclosed. I have attempted to clearly identify the comments by highlighting in yellow. For each comment I have tried to show where the comment fits in the Draft Strategic Plan by reproducing headings or sections of text. If there is any ambiguity, please call at 415-5896.

Prasad Kadambi, RES

CC: NRCREP@nrc.gov

11/24/03
68 FR 65968
④

Template = ADM-013

E-RIDS = ADM-03
Add = J. Cuyler (JEC11)
G. Smolik (G554)
L.W. Barnett (LWB)

Comment #1

Draft Strategic Plan Text

NRC Principles of Good Regulation

CLEAR

Regulations should be coherent, logical, and practical. There should be a clear nexus between regulations and agency goals and objectives whether explicitly stated. Agency positions should be readily understood and easily applied.

Comment

The second sentence should read, " There should be a clear nexus between regulations and agency goals and objectives, whether explicitly stated or not".

Comment #2

Draft Strategic Plan Text

Strategies and Means

The NRC will employ the following strategies to ensure protection of public health and safety and the environment.

Safety Strategies

- (1) Develop, maintain and implement licensing and regulatory programs to effectively protect public health and safety and the environment.
- (2) Develop, maintain, and implement licensing and regulatory programs to resolve issues of radioactive waste management, including the high-level waste repository.
- (3) Develop systematic improvements in NRC's regulatory program to ensure the safe use and management of nuclear materials.
- (4) Use sound science and state of the art methods to establish risk-informed and, where appropriate, performance-based regulations.

Comment

Change Strategy No. 4 to read, "Use sound science and state of the art methods to establish regulations and implement regulatory practices that use risk-informed and, where appropriate, performance-based approaches."

Comment #3

Draft Strategic Plan Text

Under

Means to Support Safety Strategies

Comment

Please consider the following comment to apply generically:

Strategy No. 4 (risk-informed and performance-based approaches) should be included in all the activities that represent licensing, oversight and safety review activities.

Comment #4

Draft Strategic Plan Text

Assessment Method

The NRC's long-term safety outcomes are:

- ✓ *No acute radiation exposures resulting in fatalities*
- ✓ *No releases of radioactive materials that result in significant radiation exposures⁽¹⁾*
- ✓ *No releases of radioactive materials that cause significant adverse environmental impacts⁽²⁾*

Success at achieving the safety goal will be evident based upon actual data for each of these parameters. The NRC will also use the following annual safety performance measures to assess trends in licensee performance related to the long-term safety goals.

Comment

Change the first sentence in the full paragraph to read, "Success at ensuring protection of public health and safety and the environment will be evident based upon actual data for each of these parameters."

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- (1) "Significant radiation exposures" are defined as those that result in unintended permanent functional damage to an organ or a physiological system as determined by a physician in accordance with Abnormal Occurrence Criterion I.A.3.
- (2) Releases that have the potential to cause "adverse impact" are currently undefined. As a surrogate, we will use those that exceed the limits for reporting abnormal occurrences as given by AO criterion 1.B.1 {normally 5,000 times Table 2 (air and water) of Appendix B, Part 20}.

Comment #5

Draft Strategic Plan Text

Assessment Method

Openness will be achieved successfully when public feedback on major agency actions indicates that the public understands the agency's Mission and has had opportunities to effectively express its views.

The NRC plans to develop and implement a means of gauging public confidence in its activities to identify areas that require more public engagement and dialogue. This may be achieved with a survey or other measurement instrument, for which findings will be reflected in new or revised program initiatives.

The NRC will have successfully achieved internal openness when feedback from NRC employees indicates that the agency's work environment fosters innovative ideas and creates an atmosphere where they feel comfortable speaking up about any issue — particularly those involving safety.

For internal stakeholders, the NRC will rely on the Inspector General's survey of the NRC's safety culture, as well as individual office measurement techniques, to determine its success in making the agency an environment where innovation and safety conscious thinking are emphasized and rewarded.

Comment

Change word in last paragraph from "envisionment" to "environment".

Comment #6

Draft Strategic Plan Text

Effectiveness Strategies

- (1) Use state-of-the-art methods and risk insights to improve the effectiveness and realism of NRC actions.
- (2) Improve NRC regulation by adding needed requirements and eliminating unnecessary requirements.
- (3) Use performance-based regulation to minimize unnecessarily prescriptive requirements.

Comment

Change No. 2 above to read, "Improve NRC regulation and the regulatory framework by adding needed requirements and eliminating unnecessary requirements."

Change No. 3 above to read, "Use performance-based regulation to minimize unnecessarily prescriptive requirements in all elements of the regulatory framework."

Comment #7

Draft Strategic Plan Text

- (4) Use risk-informed and performance-based approaches, where appropriate, to ensure that all elements of the NRC regulatory programs are conducted commensurate with an appropriate level of risk. For example, we may make some NRC regulations less prescriptive and provide licensees with increased flexibility in meeting certain regulatory requirements. *[Supports Strategies 1,2,3 and 4]*

Comment

Change last sentence to read, "For example, we may make some NRC regulations and other elements of the regulatory framework less prescriptive and provide licensees with increased flexibility in meeting certain regulatory requirements."

Comment #8

Draft Strategic Plan Text

Appendix D. Glossary

Comment

Add to Glossary from current Strategic Plan:

Regulatory Framework: The regulatory framework consists of several interrelated aspects. They are: 1) the NRC's mandate from Congress in the form of enabling legislation; 2) the NRC's rules in Title 10 of the Code of Federal Regulations; 3) the regulatory guides and review plans that amplify those regulations; 4) the body of technical information, obtained from research performed by the NRC or by others and from evaluation of operational experience, that supports the positions in the rules and guides and review plans; 5) the licensing and inspection procedures utilized by the staff; and 6) the enforcement guidance.

Comment #9

Draft Strategic Plan Text

Performance-Based: an approach that establishes performance and results as the primary basis for decisionmaking. Performance-based regulation presumes that (1) measurable (or calculable) parameters exist to monitor performance, (2) objective criteria have been established to assess performance, (3) licensees have flexibility to determine how to meet the established performance criteria in ways that will encourage and reward improved outcomes, and (4) a framework exists in which the failure to meet a performance criterion, while undesirable, will not in and of itself constitute or result in an immediate safety concern.

Comment

In order to incorporate into the Strategic Plan the same attributes as the staff guidance document NUREG/BR-0303, "Guidance for Performance-Based Regulation", change this Glossary entry to read:

"Performance-Based Approach: An approach to regulatory practice that establishes performance and results as the primary basis for decision making. Performance-Based regulation have the attributes that: (1) measurable, calculable or objectively observable parameters exist or can be developed to monitor performance; (2) objective criteria exist or can be developed to assess performance; (3) licensees have flexibility to determine how to meet the established performance criteria in ways that will encourage and reward improved outcomes; and (4) a framework exists or can be developed in which the failure to meet a performance criterion, while undesirable, will not in and of itself constitute or result in an immediate safety concern."