

**From:** N. Prasad Kadambi <npk@nrc.gov>  
**To:** <nrcprep@nrc.gov>  
**Date:** Fri, Sep 7, 2007 5:19 PM  
**Subject:** Response from "Comment on NRC Documents"

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 72 FR 445-92

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Below is the result of your feedback form. It was submitted by

N. Prasad Kadambi (npk@nrc.gov) on Friday, September 07, 2007 at 17:18:50

Document\_Title: FY 2007-2012 Strategic Plan (NUREG-1614, Vol. 4) Draft for Comment

Comments: Comments on Draft Strategic Plan  
 September 7, 2007

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COMMENT 1:

Structure of the Strategic Plan

The structure of the draft Strategic Plan is extremely unclear and could lead to significant confusion and wasted efforts. It is important to keep in mind that the structure is what establishes the relationships and dependencies among the various elements of the Plan. For example, one of the elements is the strategy "Utilize domestic and international operating experience to inform decision making." It is not at all clear how the strategies under "Openness", "Effectiveness", "Timeliness", and "Operational Excellence" are to be associated (or not associated) with "Utilize domestic and international operating experience to inform decision making." One perspective could be to consider the "Organizational Excellence Objectives" as attributes of whatever standard is developed for "Utilize domestic and international operating experience to inform decision making." If this is the case, it should be made more clear that the acceptance criteria for performance under "Utilize domestic and international operating experience to inform decision making" will explicitly consider each of the "Organizational Excellence Objectives."

The draft Strategic Plan displays a hierarchy that, below "Mission" and Vision" has the following as its levels for the strategic goal of "Safety":

1. Strategic Objective
2. Strategic Goals
3. Safety Goal:
4. Strategic Outcomes
5. Safety Goal Strategies
6. Means to Support Safety Strategies

Among the problems with this structure and the contents of the elements within it are the following:

- a. There really is no difference between the statement under Strategic Objective and individual Strategic Outcomes. This is because the "Strategic Outcomes" are at such a high level that they do not connect with things under regulatory control. For example, it is impossible to conceive of beneficially using radioactive materials unless accidents are prevented, whether this happens through licensee performance or NRC actions. Hence, the statements are redundant.
- b. The term "Safety Goal" is too easily confused with the subject of the Commission's policy

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statement that addresses the question of "how safe is safe enough." (See 51 FR 30028, August 21, 1986.) Also, the Commission has clarified several times the relationship between the safety goal related to the policy statement and the concept of "adequate protection." (See for example, SRMs to SECY-89-102 and SECY-99-191.) Using "adequate protection" under "Safety Goal" could be viewed as offering conflicting directions.

c. The most relevant outcomes related to the goal of "Safety" should be associated with "Strategies" because they are at a level that can be meaningfully related to activities being pursued by the staff. Using the same example as above, the strategy of "Utilize domestic and international operating experience to inform decision making" can be meaningfully related to three of the bullets under the "Means" heading (the ones that are identified as Supports Strategy 7). Also, such outcomes, and performance measures tied to the activities under the "Means" elements, enable a formal application of the definition of a performance-based approach.

I suggest changing the structure of the Strategic Plan to the following:

1. Strategic Objective including the list of aspirations currently under "Strategic Outcomes."
2. Strategic Goals (contents can be left as is)
3. Regulatory Goal (contents same as those under "Safety Goal")
4. Regulatory Strategies for the Goal of Safety (contents same as those under "Safety Goal Strategies")
5. Strategic Outcomes (Providing a list of outcomes associated with each of the regulatory strategies. These need to be developed)
6. Means Supporting Goal of Safety containing the current list of programs and activities shown under Means to Support Safety Strategies. The activities should match the NRC's performance plan, with products having some demonstrable relationship to the "Outcomes" above.

For the Strategic Goal of "Security", a parallel structure would have "Safety" replaced by "Security".

#### COMMENT 2:

##### Performance-Based Approaches

The Commission needs to clarify its direction regarding use of performance-based approaches, whether applied to regulations themselves or to other programs. There have been many instances where the staff labels a product "performance-based", and the product bears no relationship to the definition of "performance-based" provided by the Commission in the "Glossary". Part of the problem is that the term "as appropriate" has been used pervasively relative to "performance-based", and this creates significant confusion. In the current draft "as appropriate" occurs after "risk-informed and performance-based" or in between "risk-informed" and "performance-based". I believe that the key question on this matter is whether the Commission is directing the staff to implement the concepts inherent to the definition of "performance-based" provided in the "Glossary". I find it impossible to conceive of a situation in which it may be inappropriate for applying the definition, especially!

if elaboration developed by the staff in NUREG/BR-0303, "Guidance for Performance-Based Regulation" is employed. Yet there have been extremely few accomplishments that are labeled "performance-based" where the definition can be formally shown to apply. My discussions with the staff show that the term "as appropriate" is being used as a means to simplify tasks and avoid difficult issues that need to be confronted. The fact is that "risk-informed and performance-based" approaches require significant up front planning and analysis if true regulatory improvements are to be had. Generally, these involve developing good probabilistic data and identifying appropriate performance measures. The research conducted by NRC staff shows that application of the formal definition of "performance-based" as applied using NUREG/BR-0303 offers the most robust means for meeting the "Effectiveness" goals as defined in the "Glossary".

#### COMMENT 3:

##### Miscellaneous Changes Proposed

Existing Text    Proposed Change  
Under Discussion of Safety:

Future challenges to the agency are expected to require adjustment to both internal and external factors, such as the use of risk informed and, as appropriate, performance based regulations.    Under Discussion of Safety:

Future challenges to the agency are expected to require adjustment to both internal and external factors, such as the use of risk informed and performance based regulations.  
Under Safety Strategies

4.        Improve NRC=s regulatory programs and apply safety-focused research to anticipate and resolve safety issues.
5.        Use sound science and state of the art methods to establish risk informed and, where appropriate, performance based regulations.

Under Regulatory Strategies:

4.        Use sound science and state of the art methods to apply safety-focused research to anticipate and resolve safety issues.

5.        Improve NRC=s regulatory programs to establish risk informed and performance based regulations.

8.        Oversee licensee safety performance through inspections, investigations, enforcement, and performance assessment activities.

8.        Oversee licensee safety performance through inspections, investigations, enforcement, and performance assessment activities using objective performance measures consistent with performance-based approaches to regulation.

Effectiveness: NRC actions are of high quality, efficient, realistic, and to enable the safe and beneficial uses of radioactive materials.

Effectiveness: NRC actions are of high quality, efficient, realistic, and enable the safe and beneficial uses of radioactive materials in a manner that achieves the intended outcome(s) of the activity, program, or process.

[The intent here is to make it consistent with the definition of Effectiveness in the Glossary]  
Under Support Effectiveness Strategies:

\$        Use risk-informed and performance-based approaches, where appropriate, to ensure that regulatory programs are conducted consistent with an appropriate level of risk. [Supports Strategies 1 and 4]

Under Support Effectiveness Strategies:

\$        Use risk-informed and performance-based approaches to ensure that regulatory programs are conducted consistent with an appropriate level of risk. [Supports Strategies 1 and 4]

Under Glossary:

Effectiveness: ability to achieve the intended outcome(s) of an activity, program, or process. A program cannot be considered effective if it is not meeting its objectives and achieving the intended outcome(s).

Under Glossary:

Effectiveness: achievement of the intended outcome(s) of an activity, program, or process. A program cannot be considered effective if it is not meeting its objectives and achieving the intended outcome(s).

[Comment: Effectiveness involves execution and not just possessing ability]

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