

NUCLEAR REGULATORY COMMISSION

[NRC-2020-XXXX]

Proposed Evaluation Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comment from the public on this proposed Evaluation Policy Statement. The proposed Evaluation Policy Statement presents evaluation standards that have governed and will continue to govern the NRC's planning, conduct, and use of program evaluations. The policy is intended to provide agency personnel and stakeholders with a clear understanding of the expectations related to the NRC's evaluation standards that include rigor, relevance and utility, transparency, collaboration, independence and objectivity, and ethics.

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov> and search for Docket ID **[NRC-2020-XXXX]**. Address questions about NRC Docket IDs in Regulations.gov to Jennifer Borges; telephone: 301-287-9127; e-mail:

Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the

FOR FURTHER INFORMATION CONTACT section of this document.

- **Mail comments to:** Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Matthew Meyer, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, telephone: 301-415-6198, e-mail: Matthew.Meyer@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID **NRC-2020-XXXX**, when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2020-XXXX**.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The proposed Evaluation Policy Statement is available in ADAMS under Accession number ML20268A811.

B. Submitting Comments

Please include Docket ID **NRC-2020-XXXX** in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Proposed Evaluation Policy Statement

The purpose of this Evaluation Policy Statement is to present evaluation standards that have governed and will continue to govern the U.S. Nuclear Regulatory Commission's (NRC's) planning and conduct of program evaluations¹ (evaluations). This policy statement is required by the Foundations for Evidence-Based Policymaking Act of 2018 and is a commitment to using evidence and scientific methods when conducting evaluations to make informed decisions. The NRC is a learning and evidence-based organization, with a culture of continual improvement. The NRC's

¹ Program evaluation and evaluation are used synonymously. The term "evaluation" signifies "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency" (5 U.S. C. § 311(3)). Evaluation can look beyond the program, policy, or organizational level to include assessment of projects or interventions within a program.

evaluations are used to make informed decisions and are based on objective, technical evaluations of available information, and are documented with explicitly stated rationale. Furthermore, the NRC implements evaluation standards of rigor; relevance and utility; transparency; collaboration; independence and objectivity; and ethics in the conduct of its evaluations. This policy statement presents the NRC's evaluation standards.

As a collegial body, the Commission, the 5-member head of the NRC, formulates policies, develops regulations governing nuclear reactor and nuclear material safety, issues orders to licensees, and adjudicates legal matters. The collegial decisionmaking process results in actions reflecting the collective judgement of a group rather than an individual, aided by professional and administrative staff and advisory committees, such as the Advisory Committee on Reactor Safeguards. Strict requirements apply that govern the admission and consideration of "evidence" when the Commission acts in its adjudicatory capacity. This policy is intended to apply to the NRC's non-adjudicatory functions.

The NRC views its regulation of the civilian uses of radioactive material as a service to the public and is committed to be an independent, trusted, open, transparent, and effective regulator. The NRC's Principles of Good Regulation guide the agency's regulatory activities and decisions using evidence and scientific methods. The principles focus on providing adequate assurance of safety and security while appropriately considering the interests of stakeholders, including licensees; State, local, and Tribal governments; nongovernmental organizations; and the public. The Principles of Good Regulation are independence, efficiency, clarity, reliability, and openness. The agency's goal of ensuring openness explicitly recognizes that the public must be informed about, and have a reasonable opportunity to participate meaningfully in, the regulatory process.

Evidence building and evaluation are used to inform agency activities and actions, such as licensing, oversight, budgeting, program improvement, accountability, management, regulatory activities, and policy development. The emphasis on evidence is meant to support, not inhibit, innovation, improvement, and learning. The NRC uses many types of evidence, including evaluation. Other evidence types include, but are not limited to, descriptive studies, performance measurement, financial and cost data, and program administrative data. The NRC carries out evidence building and evaluation activities to (1) identify, evaluate, and resolve safety issues; (2) ensure that an independent technical basis exists to review licensee submittals; (3) evaluate operating experience and results of risk assessments for safety implications; and (4) support the development and use of risk-informed regulatory approaches.

Evaluation Standards

The NRC staff will use the following evaluation standards when conducting evaluations.

1. Rigor - The NRC is committed to using rigorous evaluation methods by qualified evaluators with relevant education, skills, and experience to ensure evaluations are appropriate and feasible within statutory, budgetary, and other constraints.

The NRC uses rigor to perform its evaluations. Rigor requires inferences about cause and effect to be well founded (internal validity); clarity about the populations, settings, or circumstances to which results can be generalized (external validity); and the use of measures that accurately capture the intended information (measurement reliability and validity). The NRC's evaluations are conducted by qualified staff with relevant expertise for the methods undertaken. It is important that the NRC's evaluations use appropriate designs and methods that adhere to widely accepted scientific principles to answer key questions, while balancing goals, scale, timeline,

feasibility, and available resources. Additionally, the NRC's Information Quality Program² is intended to ensure that all information relied on by the NRC is subject to rigorous quality standards.

2. Relevance and Utility - The NRC will ensure that evaluations are relevant and result in providing useful findings to inform agency activities and actions as well as stakeholders.

The NRC performs evaluations to aid in addressing questions of importance and serve the information needs of stakeholders. To help move the NRC's mission forward, relevant evaluations ask and examine important questions. The NRC's evaluations present findings that are clear, concise, actionable, and available within a timeline that is appropriate to the questions under consideration. The NRC's evaluation priorities consider legislative requirements; the NRC's strategic safety and security goals, objectives, and strategies; and the interests and needs of stakeholders.

3. Transparency – The NRC is committed to conducting evaluations in an open and transparent manner, which keeps stakeholders informed of the agency's evaluation activities.

Nuclear regulation should be conducted openly and the public must be informed about, and have a reasonable opportunity to participate meaningfully in, the NRC's regulatory process. As a regulator, the NRC must listen to, respect, and analyze different views from stakeholders. The NRC should also work to ensure open channels of communication are maintained between the NRC and stakeholders, including

² Management Directive 3.17, "Information Quality Program," ensures that peer review is conducted on all influential scientific information and highly influential scientific assessment that the agency intends to disseminate.

Congress, other government agencies, licensees, members of the public, and international and domestic nuclear communities. The NRC takes reasonable efforts to make all information, including information about the NRC's evaluations (e.g., purpose, objective, design, findings, and evaluation methods), broadly available and accessible.³ The NRC releases public evaluation findings in a timely manner and archives the evaluation data for secondary use by stakeholders as appropriate.

4. Collaboration – The NRC is committed to working collaboratively when conducting evaluations and will draw on the expertise of subject matter experts to ensure diversity in perspectives.

The NRC fosters a collaborative work environment that encourages diverse views, alternative approaches, critical thinking, creative problem solving, unbiased evaluations, and honest feedback. The NRC emphasizes trust, respect, and open communication to promote a positive work environment that maximizes the potential of all individuals, which improves evidence building and evaluation activities. A collaborative environment leverages expertise from subject matter experts and enables peer reviews to ensure rigorous evaluations. The NRC conducts research and collaborates with organizations that develop consensus standards to improve data and methods used in risk analysis. The NRC conducts evaluations using subject matter experts and collaborates with national laboratories, other Federal agencies, universities, and international organizations.

³ The Freedom of Information Act provides the public access to agency records upon request, unless the records fall within one of the statute's nine exemptions, which include, among others, personal privacy, proprietary information, national security, and law enforcement.

5. Independence and Objectivity – As an independent Federal agency, the NRC is committed to conducting evaluations that are independent and based on objective assessments of all relevant information.

The NRC was established as an independent regulatory agency to govern civilian uses of radioactive material. The NRC's evaluations, inherently, must be independent and objective in order to maintain credibility. The implementation of evaluation activities, including the selection and function of the evaluators, should be appropriately insulated from factors that may affect their objectivity, impartiality and professional judgement. Evaluations are conducted to be inclusive and seek diverse participation from stakeholders in setting evaluation priorities, identifying evaluation questions, and assessing the implications of findings. The NRC strives for objectivity in the planning and conduct of evaluations.

6. Ethics – The NRC is committed to conducting evaluations that adhere to Governmentwide ethics standards to protect the public and maintain public trust.

The NRC's evaluations comply with relevant legal requirements and are conducted in a manner that is free from conflicts of interest, undue influence, or the appearance of bias, and that safeguards the dignity, rights, safety, and privacy of participants. The NRC staff comply with Governmentwide ethics standards contained in Federal statutes and regulations, which are intended to ensure that every citizen can have confidence in the integrity of the Federal Government.

III. Specific Request for Comments

The NRC is interested in obtaining feedback from stakeholders, including professional organizations and interested individuals on the proposed Evaluation Policy

Statement. The focus of this request is to gather information that will permit the NRC staff to develop the final Evaluation Policy Statement.

Dated: Month XX, 20XX.

For the Nuclear Regulatory Commission.
Annette L. Vietti-Cook,

Secretary of the Commission.