

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Carrie M. Safford, Secretary
FROM: Commissioner Nieh
SUBJECT: SECY-25-0045: Recommendations for Revising the
Reactor Oversight Process

Approved X Disapproved Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STAR

Yes X
No



Signature

Ho K. Nieh

Date 12/22/2025

Commissioner Nieh's comments on SECY-25-0045: Recommendations for Revising the Reactor Oversight Process

The staff's recommendations in SECY-25-0045 are sound and aligned with the Principles of Good Regulation, the ADVANCE Act and Executive Order 14300. The staff has demonstrated desired organizational behaviors of continuous learning and improvement through assessing and adjusting our programs based on operating experience and lessons learned. I look forward to reviewing the forthcoming notation vote paper on further risk-informed enhancements to the Reactor Oversight Process (ROP) to enable the agency to better focus its resources on what matters most for safety and security.

Approximately ten years ago, the Commission directed the staff to send changes to the ROP for Commission approval. It is my belief that risk-informed behaviors and the Principles of Good Regulation were not as prevalent among the inspection program staff then as they are today. Times have changed, and the staff is now directionally correct with risk-informed, performance-based regulation and the NRC's Principles of Good Regulation. As such, it is time for the Commission to trust the staff in maintaining the ROP on its own; therefore, after Commission direction is provided on the forthcoming ROP enhancements, the staff should modify Management Directive 8.13 accordingly, such that the staff only informs the Commission of changes to the ROP.

Assessment Program

- I approve **Option 1** to provide credit for licensee-identified White inspection findings to not count as action matrix inputs. This change incentivizes licensees to proactively identify and promptly resolve issues.
- I approve **Option 2** to no longer aggregate White findings to move a licensee to Column 3 in the action matrix. This change aligns with the performance-based foundation of the ROP. It also reinforces another foundational element: the ROP was not designed to be a predictive program. I have confidence in the NRC's capable resident inspectors to detect signs of licensee performance decline and communicate their insights to licensee management. Additionally, the problem identification and resolution inspections in the baseline inspection program provide another layer of defense-in-depth in monitoring for declines in performance.
- I approve **Option 3** to conduct the Commission's Agency Action Review Meeting only for those licensees experiencing significant regulatory performance problems per Management Directive 8.14. This change enables the agency to focus its resources on what is most important.

Cross-Cutting Issues Program

- I join Commissioner Marzano in approving **Option 2** to eliminate cross-cutting aspects in the cross-cutting issues (CCI) program while retaining the underlying cross-cutting areas in characterizing inspection findings. Many stakeholders do not believe the current CCI program adds value toward safety commensurate with the time and effort it consumes in characterizing cross cutting aspects. Moreover, the staff's 2014 and 2020 CCI program reviews (ML14099A171 and ML20239A806, respectively) demonstrated that the program was not providing the intended results. Specifically, there was duplication among aspects of the program, and the inherent subjectivity in its application often resulted in a high level of effort spent on low safety significant issues.

Safety culture is a key component for nuclear safety. The Commission's Safety Culture Policy Statement, NRC onsite resident inspectors, safety culture activities in supplemental inspection procedures, and insights from industry organizations who more closely monitor station and corporate safety culture provide the NRC with sufficient awareness of licensee safety culture. I caution against any Commission direction to explore objective ways to evaluate safety culture. The agency has limited resources in behavioral science, organizational development and safety culture. Absent any indication of safety culture issues, there is no need for such effort.

NRC-Developed Power Reactor Initial Operator Licensing Examinations

- I approve **Option 1** to eliminate the guidance for regional preparation of initial operator licensing examinations. This change reduces unnecessary resource expenditures associated with development of examinations not requested by the licensee. Sufficient means exist for maintaining examination writing proficiency through existing operator licensing inspection activities.