

April 14, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-071

TITLE: ASSESSING THE EFFECTIVENESS OF THE ALLEGATION PROGRAM FROM REVIEW OF SURVEY FORMS SENT TO ALLEGERS

The Commission (with Commissioners Dicus, Diaz, and Merrifield agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 14, 1999. Chairman Jackson and Commissioner McGaffigan approved the paper in part and disapproved in part.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of April 14, 1999.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-071

RECORDED VOTES

	<b>APRVD</b>	<b>DISAPRVD</b>	<b>ABSTAIN</b>	<b>NOT PARTICIP</b>	<b>COMMENTS</b>	<b>DATE</b>
CHRM. JACKSON	X	X			X	3/25/99
COMR. DICUS	X				X	3/12/99
COMR. DIAZ	X				X	3/26/99
COMR. MCGAFFIGAN	X	X			X	3/30/99
COMR. MERRIFIELD	X				X	3/23/99

COMMENT RESOLUTION

In their vote sheets, Commissioners Dicus, Diaz, and Merrifield approved the subject paper. Chairman Jackson and Commissioner McGaffigan approved the paper in part and disapproved in part. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on April 14, 1999.

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**Chairman Jackson**

Obtaining feedback from our stakeholders on issues that affect them must be an important aspect of any program that involves direct communications with stakeholders (e.g. allegations, 10 CFR 2.206). I approve staff option 1 of the subject paper, which would provide for the inclusion of feedback forms in all allegation closure correspondence; however, I do not approve of that portion of the option which calls for adopting this practice for a one-year trial period. My basis for this position is as follows:

- While the staff points out that feedback is encouraged in the closure correspondence that is sent currently to allegeders, the structured nature of a form encourages user participation and ensures that the NRC receives information in areas important to program efficiency and effectiveness in addition to any extemporaneous information the individual wishes to provide. The staff notes that feedback from the most recent periodic survey on allegation program performance indicates that a point of diminishing returns may have been reached in terms of a survey instrument identifying new areas for improvement. Whether or not this is true, continuous sampling is necessary to detect negative program performance trends and allows for rapid detection of unintended consequences that may result from programmatic changes. For this reason, I believe that offering a user-friendly form to provide feedback should be a program element indefinitely.
- For the allegation management program, it is important that the NRC determine not only how agency performance is rated in terms of timeliness and identity protection, but that we, if fact, addressed the problem the allegeder had in mind when he or she contacted the NRC. In my judgement, option 1 describes an excellent method for obtaining such information. The staff points out that a resource burden will be associated with possible re-reviews of particular allegations due to feedback obtained under the proposed option. I would argue that revisiting a safety issue in the face of new information goes directly to what we are about as a health and safety regulators; such a practice is in best interest of safety, is in the public interest, and may enhance public confidence. The agency should encourage allegeders in any way it can to provide any clarifications that would impact on the NRC review of a safety concern. To the extent that this requires additional resources, staff should request those required resources through the PBPM process.

**Commissioner Diaz**

I commend the staff for its presentation of a sound set of options, with pertinent considerations and background information, on the use of survey forms to measure the effectiveness of the allegation program. I approve the staff's recommendation of the use of Option 1 for a one-year trial period.

Sending a survey form with each closure letter may be the optimal instrument for gaining the most timely and complete feedback. However, the benefits of the feedback and the impact on resources will require close scrutiny at the conclusion of the trial period. The agency must direct its resources to those activities that will be most beneficial to the protection of the allegeders.

The potential resource implications of option 1 are significant. The staff estimates that option 1 could entail 1500 hours of additional work each year. The staff also expressed the concern that this anticipated effort could affect workload requirements of the coordinators and Advisors, such as working with staff and management, corresponding with allegeders, and resolving initial allegations. I also note that the Commission has substantially increased the resources for the handling of allegations in recent years (e.g. the hours expended on technical allegations rose from approximately 31,000 hours in FY 94 to 64,000 hours in FY 98).

The Commission has also made many improvements in the allegation program by addressing 45 recommendations in the 1994 review team report on the NRC's program for protecting allegeders. These include the requirement that closure letters be sent, reiterating the allegeder's concerns, describing the staff's findings and rationale, and requesting that the allegeder contact the NRC allegation coordinator should there be any question concerning the resolution. The results of the second trial survey of 150 randomly selected allegeders conducted in December, 1997, included few, if any, of the most frequent prior complaints about processing, such as untimely action. SECY-99-071 at 3. Perhaps, most important, the last survey apparently did not identify any emerging trends that currently require more intense assessment.

Thus, with the knowledge obtained by the conclusion of the one-year trial period, I believe that the Commission should again seriously consider this matter, including the option of conducting periodic surveys of allegeders selected randomly (option 2). As the staff notes, the periodic survey would allow the agency to track and trend the effectiveness of the allegation program without an increase in resources.

**Commissioner McGaffigan**

I join with Chairman Jackson in supporting Option 1, the enclosure of feedback forms in all allegation closure correspondence, on a permanent basis.

The NRC has taken many steps to publicly engage stakeholders, including broad public stakeholder meetings and public meetings on specific topics (e.g., proposed revisions 10 CFR 50.59) with NEI, UCS, NIRS, and other groups. Also, the Commission has encouraged the participation of interested advocacy groups and private citizens in public Commission briefings. The enclosure of feedback forms as a permanent element of the allegation process is important to emphasize the importance the Commission places on maintaining engagement with all stakeholders.

**Commissioner Merrifield**

I approve the staff's recommendation of going forward with Option 1 for a one-year trial period. I believe it is important for the NRC to give allegeders the opportunity to easily and quickly provide their feedback to the agency, and to identify problematic trends in a timely manner. Option 1 appears to be the most effective means to accomplish these goals.

I agree with the staff's plan to perform an assessment of the survey process after the one-year trial period. As a part of this effort, the staff should assess the adequacy of the survey itself to determine if changes should be made to enhance the value of the information requested from the allegeders.