

Internal and External Communications

In calendar year (CY) 2007, the staff of the U.S. Nuclear Regulatory Commission (NRC) continued to focus on stakeholder involvement and open communication regarding the Reactor Oversight Process (ROP). The staff used a variety of communication methods to ensure that all stakeholders were able to access ROP information and were able to participate in the process and provide feedback. As discussed below, the staff sought and implemented improvements to the ROP based on feedback and insights from all stakeholders.

Internal Stakeholder Interface

The staff of the Office of Nuclear Reactor Regulation (NRR) and the Office of Nuclear Security and Incident Response (NSIR) continued to conduct biweekly conference calls with regional management and staff to discuss current issues associated with the ROP. In addition, the staff met periodically with regional managers to discuss more complex ROP topics and issues. The staff participated in each region's inspector counterpart meeting so that regional staff and management could provide feedback on ROP implementation. The agency frequently updated the ROP Digital City Web page to include recent and useful information specifically for internal stakeholders. The staff issued several editions of the inspector newsletter to share inspection tips and lessons learned. In addition, the staff used the Operating Experience Smart Sample program and provided information from the conduct of the Security Findings Review Panel (SFRP) to inspectors to further integrate operating experience with the ROP.

The staff continues to refine the ROP feedback process to improve its timeliness, efficiency, and effectiveness. The improved process, which staff implemented at the beginning of fiscal year (FY) 2007, assigned feedback review to the staff via a work planning and characterization form (green sheet). The NRR Work Planning and Control Center issued the green sheet to account for resource usage and track the response for timeliness. Based on feedback and lessons learned during CY 2007, staff will now limit the use of separate green sheets for feedback resolution to questions requiring interdivisional consultation. This will reduce the administrative burden. In CY 2007, the staff received a total of 123 feedback forms and resolved 101 of them. In addition, the staff resolved 90 of the 100 feedback forms from earlier years, greatly reducing the backlog. Only 32 feedback forms were open at the end of CY 2007. In CY 2008, the staff will emphasize the completion of document changes based on feedback received.

External Stakeholder Interface

The staff conducted monthly public working-level meetings with the Nuclear Energy Institute, the industry, and interested stakeholders to discuss the status of ongoing refinements to the ROP. Based on feedback from external stakeholders, the staff began adding detail to the agenda in the meeting notices so that potentially interested stakeholders could determine beforehand whether the NRC planned to discuss topics of interest. The staff also conducted public meetings in the vicinity of each operating reactor to discuss the results of the NRC's annual assessment of the licensee's performance. These meetings provided an opportunity to engage interested stakeholders on the performance of the plant and the role of the agency in ensuring safe plant operations. The staff plans to allow additional flexibility for these meetings to meet the interests of public stakeholders. Further, NSIR staff conducted an annual public meeting on November 8, 2007 to present security-related assessment information on the overall security

performance of the commercial reactor industry, and to respond to questions and solicit comments on issues concerning nuclear security. The staff also published in September 2007 the Annual Report to Congress on the Security Inspection Program. The staff also sponsored a breakout session at the Regulatory Information Conference in March 2007 focusing on the recent ROP inspection and assessment program changes related to the safety culture initiative and discussed additional ROP topics during the regional breakout sessions. The staff also issued its external survey through the *Federal Register* in October 2007 to evaluate ROP effectiveness and gather stakeholder insights. The staff maintained and enhanced the NRC's Web pages to communicate current ROP-related information and results. These outreach efforts have resulted in valuable feedback and ROP improvements.

Stakeholder Survey Results

Consistent with the guidelines prescribed by Inspection Manual Chapter (IMC) 0307, "Reactor Oversight Process Self-Assessment Program," the staff conducted an external survey during this self-assessment cycle to solicit and analyze stakeholder feedback regarding the effectiveness of the ROP. The staff did not conduct an internal survey in CY 2007, consistent with the biennial frequency prescribed by IMC 0307. All of the external survey questions and resultant responses contributed directly to the annual ROP performance metrics. The staff published the survey in a *Federal Register* notice (FRN) on October 11, 2007, to seek external stakeholder input regarding the implementation of the ROP. The survey requested responses to 21 specific questions (question 20 consisted of six subquestions) corresponding to specific ROP performance metrics as defined in IMC 0307. The first half of the questions were specific to the program areas (performance indicators (PIs), inspection, significance determination process (SDP), and assessment), while the second half of the questions were more general in nature across all program areas. The agency has issued this solicitation of public comments each year since initial ROP implementation in CY 2000. The guidelines of IMC 0307 and the FRN do not preclude stakeholders from commenting on the security cornerstone.

The agency used a somewhat different survey this year in that it included no polling using multiple-choice ratings and only requested comments to each of the questions. Because of the relatively low number of responses received in each of the 3 years before 2007, the multiple-choice ratings did not provide any statistical insights. As a result, this year's survey asked for only written responses. The staff made only minor changes to a few questions but added a new question, consisting of six subquestions, to correspond with the ROP safety culture metric. Question 21 requested additional information and comments related to the ROP that were not directly captured by the 20 specific questions.

In an effort to solicit feedback, the staff (1) mailed approximately 700 surveys directly to stakeholders, (2) placed a direct link to the survey information on both the ROP Web page and the "Documents for Comment" page of the NRC's external Web site, and (3) issued a press release. The results of the external survey and the staff's plans to address the insights gained are discussed below.

The NRC received seven responses to the FRN issued in October 2007 from individuals and/or organizations listed below. These responses are available in the NRC's Agencywide Documents Access and Management System (ADAMS) under the accession numbers in parentheses following the respondent's name:

- Nuclear Energy Institute (ML073600803)
- Strategic Teaming and Resource Sharing (ML073600835)
- Entergy (ML073600853)
- Union of Concerned Scientists (ML073600850)
- Foster, private citizen (ML072960472)
- Ohio Department of Health (ML073600856)
- Region IV Utility Group (ML073600840)

Overall respondent satisfaction is similar to that measured in previous surveys. There were no dramatic improvements or declines. Based on a review of the responses, external stakeholders comprised three distinct categories—(1) utility licensees and groups that represent their interest accounted for four of the seven responses, (2) State government agencies accounted for one of the responses, and (3) public interest groups or members of the public accounted for two of the responses. The level of participation continued to decline from 16 in CY 2006 to 7 in CY 2007. However, the number of total responses received this year was only slightly less than the number of participants who provided written comments in last years survey responses.

Similar to previous survey results, the licensees and some of the public respondents were divided regarding whether the PI program is effective and ensures safety. However, this area received more positive comments than in previous surveys. Most of those that answered the survey questions believe that the PI program promotes plant safety, while a public citizen group strongly disagreed. The trend turns somewhat positive regarding the Mitigating Systems Performance Index (MSPI) and the risk-informed aspect. The negative comments contended that the reduction in the number of greater-than-green PIs has rendered the program incapable of detecting declining performance. In contrast, the industry groups and licensees stated that the PI program in conjunction with the inspection program ensures plant safety and provides sufficient overlap. The NRC staff recognizes the need to further improve the PI program to provide more timely and meaningful indications of plant performance.

Nearly all respondents, including public citizen groups, provided positive feedback on the inspection program and stated that the program adequately covers areas important to safety and is effective in identifying and ensuring the prompt correction of any performance deficiencies. This represents a slight improvement from the previous surveys. Two public comments raised an issue from different perspectives, holding that there are deficiencies in licensee corrective action programs and that the NRC's inspection program is not able to ensure the effectiveness of licensee corrective action programs. A similar public comment from the last survey also called for a stronger enforcement program to ensure corrective actions in problem areas. One licensee respondent requested that the NRC make better use of generic information on emerging inspection issues. In addition, all respondents except one agreed that inspection reports are relevant, useful, and written in plain English. Only one comment from the public stated that it is hard to obtain useful information from the inspection reports.

Similar to previous survey results, the SDP received several unfavorable comments from the respondents. The issues identified are similar to those from previous surveys, that the process is subjective, inconsistent, and unpredictable. The licensee groups seem to have the most concerns regarding the SDP process. For example, one of the concerns raised stated that the process to determine whether an issue is greater than minor is neither clear nor consistent.

The industry respondents generally agreed that actions taken by the NRC to address performance issues follow the established process and are appropriate, consistent, and predictable. One licensee group raised an issue regarding the double counting of findings in the Action Matrix. The NRC and the industry have discussed this issue and are working on a resolution. The majority of respondents, including licensees and government agencies, agree that the information in the assessment reports is relevant, useful, and written in plain English. One comment from the industry stated that the substantive cross-cutting issues identified are not consistent from region to region.

The CY 2007 survey contained a new question with six subquestions that correspond to the ROP safety culture metric. All seven respondents provided feedback on the questions and stated that more experience with the safety culture enhancements is needed before judging their effectiveness on focusing NRC and licensee resources on safety culture performance issues. The respondents suggested that the NRC (1) evaluate the lessons learned from the recent supplemental inspection at Palo Verde, (2) consider increasing the number of inspection findings for a substantive cross-cutting issue, and (3) reexamine the characterization of the cross-cutting aspects in IMC 0305, "Operating Reactor Assessment Program." As described in Enclosure 2, the staff is currently performing the lessons-learned evaluation for the ROP safety culture enhancements and will consider the input from the external survey during this process.

Based on the feedback on the questions regarding the overall program, the majority of the respondents agreed that the ROP (1) is predictable and objective, (2) is generally risk informed, (3) is understandable and written in plain English, (4) is effective, efficient, and realistic, (5) ensures openness in the regulatory process, (6) provides sufficient opportunities for the public to participate in the process, (7) has been implemented as defined, (8) minimizes unintended consequences, and (9) provides adequate regulatory assurance when combined with other NRC regulatory processes that plants are being operated and maintained safely. Respondents noted concerns that the ROP is more reactive than proactive.

With regard to openness, a public citizen group asked that the NRC include more details in the ROP monthly meeting agenda so the public is aware of the topics to be discussed. The agency has already addressed this concern, as noted above. A majority of respondents, including government agencies and members of the public, agree that the NRC has been responsive to public inputs. Only one public respondent disagreed and stated that the NRC's response has been slow or inadequate. An additional comment indicated that it can be intimidating for a member of the public to provide input during public meetings.

In addition to the general analysis above, the staff's analysis of the specific responses appears in the applicable portions of the program area evaluations in Enclosures 1 and 2 as well as in the annual ROP performance metrics report (ADAMS Accession No. ML080350368).

As noted above, the staff reviewed all of the survey responses and evaluated the stakeholder comments as part of this annual self-assessment. The staff also plans to prepare a consolidated response to the CY 2007 external survey, as it did for CYs 2004, 2005, and 2006. In addition, to ensure continued openness and responsiveness to public input and comments on the ROP, the staff plans to complete this task in response to future external surveys in accordance with the revised IMC 0307.

As noted in SECY-07-0069, "Reactor Oversight Process Self-Assessment for Calendar Year 2006," dated April 6, 2007, IMC 0307 changed the frequency of the external survey to every other year, alternating with the internal survey. This change was suggested in order to gain further efficiencies and because the comments and staff analysis had tended to repeat the same themes from year to year. The level of participation also experienced a notable decline from previous years' surveys. The staff solicited feedback regarding the proposed change in survey frequency by adding a specific question to the 2006 external survey. Half of the respondents indicated that they agreed with the change in frequency, while the other half indicated that they disagreed, including a few who expressed concerns with changing the frequency. As a result, the staff stated that it planned to conduct the external survey in CY 2007 and revise IMC 0307 to change the frequency to every other year. Based on this change, the ROP performance metrics and self-assessment for the even years would include survey inputs and analysis from internal stakeholders (starting in CY 2008), and the following odd years would include external survey inputs and analysis (the next one occurring in CY 2009). Regardless, the staff will consider internal and external feedback each year based on continuous feedback during meetings, the feedback process, and other venues. In addition, the staff will continue to solicit and consider stakeholder feedback for significant ROP changes (e.g., safety culture, MSPI, openness of the security cornerstone, material control and accounting significance determination process, etc.).

As in previous years, the staff will acknowledge receipt of each FRN response by correspondence indicating that the staff has considered and generally addressed the comments in this paper. In addition, the NRC will post this paper, the annual ROP performance metric report, and the consolidated response to the ROP Web page and send them, along with the acknowledgment letters, to each survey respondent. Interested parties can also access a consolidated table, including all internal and external survey results since the inception of the ROP, along with the staff's evaluation and response, through the ROP Web page entitled "ROP Program Evaluations and Stakeholder Feedback."