

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

June 22, 2000

FROM: William D. Travers /RA/
Executive Director for Operations

SUBJECT: STATUS OF STAFF INITIATIVE TO SURVEY ALLEGERS

The staff is providing this status memorandum because the schedule and resources for implementing the survey of allegers have changed significantly as a result of comments by the Office of Management and Budget (OMB) on the information collection package for the survey. In SECY-99-071, "ASSESSING THE EFFECTIVENESS OF THE ALLEGATION PROGRAM FROM REVIEW OF SURVEY FORMS SENT TO ALLEGERS," the staff recommended that feedback forms be sent to allegers to evaluate the outcome of the allegation program. Acquiring feedback on the performance of the allegation program from allegers is consistent with the agency's effort to move from measuring outputs to measuring outcomes.

In a Staff Requirements Memorandum (SRM) dated April 14, 1999, the Commission approved developing the feedback form and sending it to allegers when the letter describing the results of the staff's review of the issues is sent. After developing the survey and completing the public comment process, the information collection request was sent to the OMB for approval on November 3, 1999.

On January 7, 2000, the OMB Desk Officer (reviewer) informed the NRC staff that he intended to disapprove the information collection request. The reason for disapproving the request was that the NRC staff stated in the package that, based on two previous surveys of a random sample of allegers, we expected to have a 30 percent response rate. OMB has set a standard of an 80 percent response rate when surveys are being used to assess the performance of government programs. If an 80 percent response rate is not predicted, the agency must show statistically that the results of the survey can be generalized to the population being surveyed. To preserve its options, the staff withdrew the information collection request on January 13, 2000, rather than have OMB reject the package.

The staff believes it can accommodate the changes to the survey form and the survey methodology necessary to achieve an 80 percent response rate and receive approval from OMB. However, accounting for the 80 percent response rate increases the resources necessary to complete the survey and appropriate follow-up activities from about 1.4 FTE to 3 FTE. Additionally, the process of gaining OMB's approval and the changes they asked for in

the survey methodology cause the completion date to move from December 2000 to February 2002. Additional detail on the increase in resources and the schedule change are provided in the attachment.

Notwithstanding the change in resources and schedule, the staff continues to support going forward with this initiative. The staff's plans are to move forward with getting OMB approval of the information collection and issuing the survey. The staff intends to monitor resources expended on allegation follow-up and completion of the survey on a monthly basis. If the trend in resources expended indicates the staff will exceed those budgeted for allegation follow-up, the staff will use the Planning, Budgeting, and Performance Management (PBPM) process to address the resource issue. If the staff determines that it should not support continuing the survey initiative as originally envisioned after completing the PBPM process, it will so inform the Commission.

Attachment: Changes in Resources and Schedule

cc: SECY
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CHANGES IN RESOURCES AND SCHEDULE

After developing the survey and completing the public comment process, the information collection request was sent to the Office of Management and Budget (OMB) for approval on November 3, 1999. On January 7, 2000, the OMB Desk Officer (reviewer) informed the NRC staff that he intended to disapprove the information collection request. The reason for disapproving the request was that the NRC staff stated in the package that based on two previous surveys of a random sample of alleged, we expected to have a 30 percent response rate. OMB has set a standard of an 80 percent response rate when surveys are being used to assess the performance of government programs. If an 80 percent response rate is not expected, the agency must show statistically that the results of the survey can be generalized to the population being surveyed. To preserve its options, the staff withdrew the information collection request on January 13, 2000, rather than have OMB reject the package.

On January 13, 2000, the NRC staff met with the OMB staff to discuss the feedback form and the justification for collecting the information. OMB requested significant changes to the survey form and the survey methodology that require resubmitting the information collection request. The changes included (1) revising the questions, (2) informing the alleged in a letter that the NRC will be asking for feedback upon completion of the review, and (3) sending follow-up post cards to alleged who do not return the survey.

On January 31, 2000, the staff met again with the OMB staff to get additional insights into what would constitute an acceptable package. During that meeting, the OMB provided copies of the guidance they use for evaluating information collection requests. The staff also discussed changes being considered to the survey form and methodology.

The OMB guidance includes a formula for predicting expected response rates. By adopting OMB's recommendations of informing the alleged that NRC will be sending them the survey and sending a follow-up post card to alleged who don't return the survey, the OMB formula predicts an expected response rate of 83 percent. This is significantly higher than the 30 percent response rate experienced in the previous surveys and what the staff presented to the Commission in SECY-99-071 in its analysis of the resource impact of conducting this survey. In SECY-99-071, the staff told the Commission that conducting the survey and addressing the comments received would require 1.4 FTE.

One possible reason for the difference between the historical response rates and the OMB-predicted response rates, beyond items (2) and (3) mentioned above, is that in the previous surveys the survey forms were all sent at the same time. This resulted in some alleged receiving the survey as much as one year after the closure letter was sent. Because of the time that passed between receiving NRC's response to their concerns and receiving the survey form, some alleged may not have returned the survey form.

In developing the estimated effort associated with conducting the survey, the NRC estimated receiving approximately 880 allegations in the 12 months the survey will be conducted. Accounting for the 32 percent of allegations in which, historically, there is no communication

with the alleged¹ and an estimated survey response rate of 83 percent, the staff anticipates receiving 497 responses. Each response will be reviewed by the Agency Allegation Advisor or the Assistant Agency Allegation Advisor to identify issues requiring additional follow-up and responses to individual questions will be entered in a database to allow for analysis. The review and data entry are estimated to take 0.5 hours per response, for a total of 248.5 hours or .17 FTE. The analysis of the data is predicted to require 160 hours or .1 FTE. Both the review and the analysis can be accomplished within currently budgeted resources.

Based upon experience with the two previous surveys, approximately 40 percent of the 497 responses may contain negative comments by the alleged, or 199 responses may require some additional follow-up activity. From experience with those surveys, 25 percent of the responses with negative comments may require reinspection. This amounts to 149 allegations requiring some review and 50 allegations requiring reinspection. The 149 allegations will require approximately 1.5 hours of review to address the comments, for a total of 223.5 hours or .19 FTE. Based on FY 1999 data, the average time to inspect an allegation and document the results is 60 hours. Therefore, reinspection of the 50 allegations may require approximately 3000 hours or 2.6 FTE. This represents 3.06 FTE (.17 for initial review + .1 for analysis + .19 for follow-up review + 2.6 for re-inspection) to complete all the actions associated with the survey compared to the prediction in SECY-99-071 of 1.4 FTE.

The staff believes it can accommodate the changes to the survey and the survey methodology requested by OMB and conduct the survey within the current budget. For FY 2001, the staff estimated it will receive 840 to 920 allegations for the purpose of budgeting. However, there is a fair amount of uncertainty associated with the number of new allegations predicted to be received and the number of survey responses that will require reinspection. Consequently, the staff will monitor these numbers on a monthly basis. If it appears that the trend in either number will cause the budgeted allocations to be exceeded, the staff will review the available options under the PBPM process. The staff will determine whether other activities can be postponed or dropped to provide the resources necessary to complete the survey initiative. If the staff determines that it should not support continuing the survey after completing the PBPM process, it will so inform the Commission.

In addition to the impact on resources, the changes requested by OMB will cause the initial issuance of the feedback forms to be delayed about ten months. The delay is the result of the additional time necessary to obtain OMB's approval and the requirement that the staff inform

¹ When licensees or the NRC staff identify wrongdoing issues or state agencies or other federal agencies refer technical issues to the NRC, the issues are tracked as allegations. However, the NRC does not usually treat the individuals identifying the issues as alleged. Nor does the staff send letters informing the individuals of the results of the staff's review. Therefore the staff will not send survey forms to these individuals. When combined with the population of anonymous allegations, 32 percent of the issues tracked as allegations will not have associated survey forms.

the allegor in the acknowledgment letter that the NRC will be seeking feedback by sending a survey at the conclusion of the staff's review of the allegation. The allegation review process typically takes 90 to 180 days for technical allegations and six to twelve months for issues involving wrongdoing. If OMB approval is received by the end of July 2000, the NRC will start sending the letters informing the allegor of the survey in August 2000. As allegations are closed, the survey forms will be sent. This is likely to start in November 2000, given the time it takes to close allegations. The one year pilot program approved by the Commission would then end one year later in October 2001.

Allowing two weeks for the last survey forms to be returned and another four weeks to give the staff an opportunity to contact non-respondents in an effort to boost the response rate, if that is necessary, the collection of data would end in mid-December 2001. The analysis of the data will continue throughout the year and be completed in mid-January. Based on these assumptions, the staff will provide a recommendation on continuing the survey to the Commission in February 2002, rather than the current date of December 29, 2000.

In conclusion, the staff plans to move forward with getting OMB approval of the information collection and issuing the survey.

Notwithstanding the change in resources and schedule, the staff continues to support going forward with this initiative. The staff's plans are to move forward with getting OMB approval of the information collection and issuing the survey. The staff intends to monitor resources expended on allegation follow-up and completion of the survey on a monthly basis. If the trend in resources expended indicates the staff will exceed those budgeted for allegation follow-up, the staff will use the Planning, Budgeting, and Performance Management (PBPM) process to address the resource issue. If the staff determines that it should not support continuing the survey initiative as originally envisioned after completing the PBPM process, it will so inform the Commission.

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