January 30, 2012

MEMORANDUM TO: Stephen D. Dingbaum
                    Assistant Inspector General for Audits
                    Office of the Inspector General

FROM: Roy P. Zimmerman, Director   */RA/*
                    Office of Enforcement

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S NON-
                    CONCURRENCE PROCESS (OIG-11-A-02)

The following provides a status of staff actions in response to Recommendations 2, 3, 4, 6, and 8 as contained in the subject audit report. (Recommendations 1, 5, and 7 were closed as a result of the staff's March 31, 2011 and July 27, 2011 responses.)

Recommendation 2

Revise MD 10.158 to include detailed guidance on:

   a. Dispositioning of non-concurrences to include a feedback mechanism on the status of the non-concurrence.

   b. Timeliness expectations.

   c. Completion and processing of Form 757.

   d. Roles and responsibilities of key non-concurrence process personnel.

   e. The availability of the Differing Views Office Liaisons.

Recommendation 3

Finalize MD 10.158 by the end of 2011. (The Office of the Inspector General (OIG)'s May 10, 2011, response agreed to extend the original due date to no later December 31, 2012.)

Status

Because of the integral relationship of revising and finalizing MD 10.158, the staff is providing a consolidated status on these activities.

CONTACT: Renée Pedersen, OE
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The Office of Enforcement (OE) is making progress on developing a comprehensive revision of MD 10.158 based on recommendations from the audit and lessons learned from implementing the process. OE is also ensuring that the guidance in MD 10.158 is consistent with guidance currently being finalized for the draft revision of MD 10.159, "The Differing Professional Opinions Program."

As previously noted in the March 31, 2011, status update, OE plans on soliciting office level reviews of a draft revision of MD 10.158 by posting the draft revision on the new OCWE SharePoint site (included on the homepage of the OCWE Web site).

Although this strategy requires additional resources in the front end of the MD revision process, OE believes that this approach will promote consistency and support a more timely proposed revision that will be submitted to the Commission for approval. In addition, engaging the staff will build trust in an area that has historically been viewed with some skepticism.

The draft revised guidance will include detailed guidance to address the issues in Recommendation 2.

a. Because responding to a non-concurrence can take time, including a communication feedback mechanism can improve satisfaction with the process. OE is modifying the guidance in the MD to include a feedback mechanism.

b. Non Concurrence Process (NCP) guidance currently reflects that non-concurrences should be addressed within the normal schedules for processing documents. Although the guidance does recognize that adjustments may be necessary, OE is enhancing the guidance to ensure that appropriate adjustments are requested and accepted to ensure that the NCP is implemented successfully. OE is also enhancing the guidance to address the timeliness expectations to file a non-concurrence, the expectation to coordinate the schedule with supervision, and the use of official work hours and resources to engage in the NCP.

c. As previously noted, Form 757 was revised to address insights from the audit and based on lessons learned in implementing the process. NRC Form 757 currently resides in the SharePoint Forms Library and includes detailed implementation guidance, including:

   o A tracking number.
   o Creation of an NCP Program Manager.
   o Clarification of the role of Document Sponsor, Document Signer, and creation of NCP Reviewer (normally Document Signer).
   o Detailed "Implementation Guidance" included in Section E.
   o A requirement to summarize the issues in Section C and reach consensus with non-concurring individual before completing the process (this ensures common understanding of issues).
   o Clarified guidance on handling of NCP Forms as records in ADAMS.

   OE is taking action to ensure that the guidance in the MD and handbook are updated to reflect and emphasize the intent and nature of these changes.

    d. As noted above, revised Form 757 clarifies roles and responsibilities of key NCP personnel. In addition, the Open Collaborative Work Environment (OCWE) Champion Handbook includes guidance for the NCP PM and OCWE Champions (formerly Differing Views Liaison Officers). OE conducted OCWE Champion training on July 26, 2011, and recorded the training to ensure that all OCWE Champions are properly trained. OE will ensure that the MD and handbook includes enhanced guidance on the responsibilities for key NCP personnel.

    e. As noted above, OE has taken action to address the roles and responsibilities of OCWE Champions and is updating the guidance in the MD and handbook accordingly. OE is coordinating with the OCWE Champions to take additional actions to communicate this position to the staff through various communication mechanisms.

Completion date: 12/31/2012. The staff plans on posting the draft revision of MD 10.158 on SharePoint to support the overall MD revisions schedule of 12/31/2012.

POC: Renée Pedersen, OE.

Recommendation 4

Make non-concurrence process training available in an on-demand format to all staff and managers.

Status

As previously noted, OE intends to collaborate with the Office of Human Resources (HR) and develop on-line, on-demand training for all staff and managers on the NCP. Until the training is complete, OE intends to promote and highlight the information that is currently available to all employees at any time on the NCP web site (e.g., overview, slide show, Frequently Asked Questions). OE continues to promote awareness of the NCP through the "NRC: Who We Are and What We Do," and "Safely Speaking" courses, brown bag lunches, and all employee seminars, such as the recent All Hands Meeting in the Office of Nuclear Reactor Regulation on January 18, 2012, that included approximately 175 attendees. In addition, OE is in the final stages of completing the video, "It Takes a Team," that includes information on the NCP, as well as the Open Door Policy, and the DPO Program. The video will be included in the Virtual Orientation Center for new employee orientation and may be used in conjunction with other outreach activities.

Although we appreciate the value of on-demand training, we do not believe that it is critical for the successful implementation of the NCP. OE believes that step-by-step instructions included on the revised NCP Form will be an effective tool in promoting successful implementation.

Completion date: 6/28/2013. The staff will develop on-demand training to all staff and managers approximately 6 months after the guidance in MD 10.158 is finalized.

POC: Renée Pedersen, OE

Recommendation 6

Identify and track all Form 757's submitted to date and store them in a central repository.

Status

OE has been working with several offices and individuals in identifying all completed NCP cases and has identified 51 closed NCP cases to date.

OE created an NCP Tracking System that will be used to assign, track, and identify all NCPs (Enclosure 1). OE began assigning tracking numbers in conjunction with the revision of NRC Form 757 in 2011 (six cases to date), and assigned tracking numbers to closed NCP cases. OE is aware of a few NCP cases that were opened in 2011 and will subsequently assign tracking numbers when they are closed.

Although ADAMS serves as the agency's official recordkeeping system, OE created a web page on the internal NCP web site that includes a collection of closed NCP cases based on tracking numbers. This centralized location provides NRC employees with information on closed NCPs in a user friendly format.

As previously reported, OE has developed a formalized system to promote consistent and routine capture and review of submitted Form 757's. This guidance is included in the NCP PM Checklist included in the OCWE Champion Handbook (Enclosure 2). OE will ensure that the MD and handbook reflects this formalized system and guidance.

Completion date: Complete.

POC: Renée Pedersen, OE

Recommendation 8

Perform regularly scheduled comprehensive assessments of the non-concurrence process.

Status

Although the NCP is not routinely exercised, waiting too long to perform a formal assessment could make it challenging for program management to perform a comprehensive assessment of the NCP and determine what revisions are needed to improve MD 10.158.

Because the NCP is not a routine process, OE recognizes the value of providing greater oversight during the process to help participants successfully implement the NCP. OE is sensitive to employees' perceptions on using the NCP and successful implementation can improve perceptions of the NCP. As previously noted, OE plans to revise the guidance to include oversight and coaching during the process by the NCP Program Manager.

Completion date: Consistent with the Internal Safety Culture Task Force recommendation to conduct a broader review of OCWE (including the NCP and the DPO Program), going forward,

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the staff will perform assessments of the non-concurrence process within one year after each OIG Safety Culture and Climate Survey.

POC: Renée Pedersen, OE

Enclosures:
1. NCP Tracking System
2. NCP PM Checklist, OCWE Champion Handbook

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Enclosures:
1. NCP Tracking System
2. NCP PM Checklist, OCWE Champion Handbook

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