

March 27, 2000

COMMISSION VOTING RECORD

DECISION ITEM: SECY-00-0035  
TITLE: PUBLIC CONFIDENCE SURVEY

The Commission (with all Commissioners agreeing) disapproved the subject paper as recorded in the Staff Requirements Memorandum ([SRM](#)) of March 27, 2000.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of March 27, 2000.

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Annette Vietti-Cook  
Secretary of the Commission

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

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

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VOTING SUMMARY - SECY-00-0035

RECORDED VOTES

|                  | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIP | COMMENTS | DATE    |
|------------------|-------|----------|---------|--------------|----------|---------|
| CHRM. MESERVE    |       | X        |         |              | X        | 2/28/00 |
| COMR. DICUS      |       | X        |         |              | X        | 2/24/00 |
| COMR. DIAZ       |       | X        |         |              | X        | 2/23/00 |
| COMR. McGAFFIGAN |       | X        |         |              | X        | 2/15/00 |
| COMR. MERRIFIELD |       | X        |         |              | X        | 2/22/00 |

COMMENT RESOLUTION

In their vote sheets, all Commissioners disapproved the staff's recommendation (Option 2) and instead, approved Option 3. All Commissioners also provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on March 27, 2000.

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**Commissioner Comments on SECY-00-0035**

**Chairman Meserve**

I support the staff's efforts to improve public confidence and appreciate the difficulty in measuring the level of confidence the public has in the agency. However, I believe that it is premature at this time to expend resources to conduct formal public surveys until the focus, intent, and use of such surveys are more clearly defined and the segments of the "public" that should be subject to formal surveying have been more sharply defined. Accordingly, I disapprove Option 2 and instead endorse the

augmented outreach and feedback efforts outlined in Option 3 of SECY-00-0035.

The staff should focus on obtaining feedback from those members of the public who attend agency public meetings or other outreach activities to ascertain their views on the agency's activities and on their interaction with the NRC. Augmenting the current process in this manner will provide the staff with valuable feedback from members of the public who are involved in the agency's processes. After the staff has had an opportunity to obtain and analyze information gained from this effort, it may then be appropriate for the staff to conduct one or more formal public surveys covering defined segments of the population and focusing on specific Commission activities or issues.

Any resources necessary for this effort, including any contractor assistance, should be reprogrammed within existing agency resources.

### **Commissioner Dicus**

While I support the concept of developing an objective measure to determine our progress over time on Public Confidence issues, I do not believe the staff has made the case in this paper for proceeding to the recommended Option 2. I understand that the staff's intent was to select one segment to be the subject of an ACSI survey to be evaluated before deciding to extend the survey process to other segments. While this may ultimately be an appropriate strategy, I would want much more detailed information on what segment is going to be used for a "pilot" ACSI survey, what criteria or direction we will be asking ACSI to focus on in the survey, and what we will be looking for when the survey results are received to determine the success and usefulness of the pilot survey.

Accordingly, I support the third option concerning collecting and evaluating feedback information from meetings and workshops in the interim. While this information may not be entirely satisfactory, relying as it must on feedback only from those individuals motivated enough to participate in meetings and workshop opportunities, it will provide some initial information that may be useful in designing future surveys. I would not object to the staff providing a more definitive description of a pilot project using ACSI for future Commission approval.

### **Commissioner Diaz**

Of the three options presented, I prefer and support only option 3. Option 3 could augment the NRC's current initiatives to improve communication with various segments of the public on broad subject areas as well as specific activities. This approach can provide timely and focused feedback, at low cost, from members of the public who interact with the NRC. Feedback on whether the agency is communicating well (informing, listening and responding) should help the agency in its efforts to assure that its communication is clear, accurate and useful. I believe those efforts have added importance as the agency increases the role of risk information in its regulatory programs.

It is not clear that the agency would obtain any greater benefit from the limited surveys that are suggested under option 2 than we can already obtain through the use of existing and improved feedback mechanisms as part of the agency's activities. Moreover, even if resources could be found for performance of the numerous surveys that would ultimately be required under option 2, such initiatives should be postponed during this dynamic period of change for the agency. Fundamentally, I believe this is a period in which the agency must focus on obtaining and solidifying results from such projects as the revamping of the reactor oversight process and the handling of the first license renewal applications.

I also believe that option 3 is more consistent with the role that the Commission should assign to consideration of "public confidence" in the NRC. As I have long stressed, the primary indicators of how the agency is satisfying its objectives are the actions that provide reasonable assurance of health and safety and, whenever possible, reduce unnecessary regulatory burden and promote the agency's effectiveness and efficiency. By performing well in those areas, and by establishing effective communication with the public, the agency serves our national interest and should increase public confidence.

### **Commissioner McGaffigan**

I appreciate that the staff has struggled with the issue of public confidence surveys, and I commend the staff for a frank discussion of options. I do not approve the staff recommendation to use the ACSI technique to provide a baseline measure of public confidence in various unnamed segments of the public (option 2). For the reasons discussed below I approve instead option 3.

I have often been critical of various efforts to design a public confidence meter since this notion first came up last year. Our mission is public health and safety. Obviously our ability to carry out our mission is enhanced if the public has confidence in us. We earn that confidence, both staff and Commission, by interacting with the public and addressing their issues. I will always remember David Lochbaum's letter to the Commission about our Millstone 3 restart decision. He told us that he disagreed with our decision, but could not fault the open and transparent process through which the Commission engaged the public and arrived at its decision. That is the model which the Commission and staff need to follow in addressing the issues before us.

We get feedback, both external and internal, about our programs and processes all the time. It is perhaps not systematic, but neither is the proposed survey of unnamed segments of the public. In one example of a proposed survey, the survey would "determine the public's views on the information contained in and ease of use of the NRC's Web site." Why would such a survey at \$35,000, one third of an FTE, provide any better information than simply compiling and acting on feedback received

though the feedback feature on the Web page (NRCWEB@NRC.GOV)? Perhaps that feedback feature could be enhanced by including on the web page a discussion of web page improvement initiatives and a request for comments on whether we are on the right track. We know today many of the problems with our web site. Wouldn't 1/3 of an FTE be better invested in fixing the problems than conducting surveys that will tell us what we already know?

We could get feedback for another \$35,000 from the public on our 2.206 petition process through a survey. But we already have that information and are trying to redesign the process in light of the feedback. Any feedback would likely be out of date by the time we received it. Again, I would invest in improving the process, not in a \$35,000 survey.

In general, I have a hard time imagining what useful information I will get from these segment surveys, each at the cost of 1/3 of an FTE, that we don't already have.

I favor instead option 3 (without the expense of hiring a contractor), because it will bring about "a more publicly visible and documented approach to solicit, collect, evaluate," but most important, "provide responses" to feedback from the public, all segments of the public. Neither industry nor public interest groups nor other stakeholders (States, etc.) expect us to agree with them on every matter they raise. But they do expect us to explain reasonably promptly why we either agree or disagree. Their frustration is greatest when their feedback simply is not responded to. I recognize that option 3 will give us feedback for "only a small segment of stakeholders" with "specific interests and/or issues to discuss." But that is likely the most important feedback for our regulatory programs and processes. Artificially extending this to capture other segments of 250 people, such as those in the EPZ of a power plant (which plant?, how representative? what effect on programs?) at the cost of \$35K for each 250 person sample makes no sense to me.

## Commissioner Merrifield

I commend the staff for their efforts associated with SECY-00-0035 and appreciate the difficulty associated with measuring public confidence. However, for the reasons discussed below, I cannot support the staff's recommendation (Option 2) as I do not believe it represents a prudent use of agency resources. Instead, I believe the agency is best served by Option 3, and thus I support that option.

As I stated in my vote on COMSECY-99-042, "Draft Nuclear Reactor Safety Chapter of the Strategic Plan", while enhancing communication and public participation are certainly important elements of increasing public confidence, we cannot lose sight of the fact that the most effective way to improve public confidence is by **demonstrating** that the NRC is a competent regulator. We earn public confidence through 1) technically-sound regulatory decision-making, 2) a strong regulatory framework, 3) an effective oversight process, and 4) a predictable, consistent, and responsive regulatory approach. As we pursue strategies for enhancing public confidence, we cannot lose sight of this fundamental premise.

The primary reason I oppose Options 1 and 2 at this time is that the NRC is currently embarked on an extensive regulatory reform effort, and thus, any feedback we receive either through conventional surveys or the American Customer Satisfaction Index (ACSI) is likely to be outdated in the very near term. The staff should allow sufficient time for our primary reform efforts such as the new reactor oversight process and the revised 2.206 petition process to be implemented, and experienced by our stakeholders, before it considers such feedback mechanisms. I may be open to the staff revisiting this issue in the future when it is more likely that the feedback would be timely and of greater value.

I also oppose the staff's recommendation for the same reason expressed by Commissioner McGaffigan regarding the extent of internal and external feedback the agency already receives about its processes and programs. The NRC clearly conducts its business in an open manner and places a high priority on facilitating open communication and public participation in our regulatory processes. We offer many forums by which our stakeholders, including the public, can provide feedback to us. For example, the staff has done a good job encouraging public participation and soliciting public feedback on the new reactor oversight process. The staff has done an equally fine job in the area of license renewal. As discussed in SECY-99-273, the staff is currently taking steps to solicit feedback on the NRC's allegation program. The staff is in the process of reforming the 2.206 process based on feedback received from the public. Finally, the NRC's Web site is another mechanism we already utilize to solicit comments and questions from the public. The mechanisms by which we solicit feedback from the public are simply too numerous to list. Thus, I agree with Commissioner McGaffigan that our primary focus should not be on establishing another mechanism by which to solicit public feedback, it should be on improving the manner in which we respond to the extensive feedback we already receive. More specifically, instead of spending significant resources to participate in the American Customer Satisfaction Index (Option 2), I believe we should invest those resources in improving the processes we utilize to respond to the extensive feedback we already receive.

I believe that Option 3 provides the most effective and efficient means of measuring public confidence. I agree with the staff that it may be beneficial to augment our current process by requesting feedback or comments as part of each or selected interactions with external stakeholders. There is clearly merit in a more publicly visible and documented approach to solicit, collect, evaluate, and provide responses to stakeholder feedback. While this feedback may only be from a small segment of stakeholders who participate in these interactions, this segment is typically more informed and interested in NRC activities and thus should provide more beneficial feedback on our regulatory programs and processes.