

July 20, 2000

Beth St. Mary, T-6 E6  
U.S. Nuclear Regulatory Commission  
Washington DC 20550-001

Note to Docket Library:

This clearance submittal was noticed in the Federal Register and formally submitted to OMB for clearance renewal on November 5, 1999. Because of concerns that the OMB Desk Officer voiced, the submittal was withdrawn on January 18, 2000. The NRC has worked to resolve these concerns and is resubmitting the clearance for reinstatement. Our OMB Desk Officer, Erik Godwin, has stated that renoticing in the Federal Register is not required; therefore, there is no Federal Register notice included with this submittal. If you have any questions about the proper content of this clearance package, would you please contact Erik Godwin.

**/RA/**

Beth St. Mary

**FINAL SUPPORTING STATEMENT  
FOR  
NRC FORM 592, "NRC'S HANDLING OF YOUR CONCERNS"  
REINSTATEMENT 3150-0185**

DESCRIPTION OF INFORMATION COLLECTION

The NRC plans to conduct a voluntary survey of individuals who have submitted allegations to the Agency to determine the level of satisfaction, or dissatisfaction, with the Agency's handling of their allegations. Because the survey will be conducted as a one-year pilot program, NRC is requesting a one year approval of the information collection. The survey will be sent to all individuals who have submitted allegations (allegers) and requested a response from the NRC describing the results of NRC's review. Survey participants will be asked to give their views on the courtesy and helpfulness of the NRC staff and the timeliness, responsiveness, and quality of the explanation of the review performed by the NRC staff in resolving their allegations. The responses to the survey will be completely voluntary. The results of this survey will be used by to establish a baseline of performance should the Commission elect to continue the survey following the one-year pilot program. To the extent that the survey highlights particular areas needing improvement, either through the survey response or comments, the staff will consider the results and develop programmatic revisions, as appropriate.

In their report, "NUCLEAR EMPLOYEES SAFETY CONCERNS - Allegation System Offers Better Protection, but Important Issues Remain," (GAO/HEHS-97-51), issued March 1997, the General Accounting Office (GAO) recommended that the NRC routinely provide feedback forms in close-out correspondence to allegers. The NRC is requesting approval of NRC Form 592, Revision 1, that will be used in the collection of this information.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

Two random surveys were conducted in December 1995 and December 1997. The surveys were mailed to approximately 150 allegers. The results of these surveys were used to identify program deficiencies, develop program changes to address the deficiencies, and develop training to assist the staff in becoming more responsive to allegers' concerns.

To continue efforts to improve the effectiveness of the allegation program, the staff needs feedback from the users of the program. As with the previous survey results, the staff will use the feedback to establish a baseline of performance from which to judge the impact of changes intended to improve the performance of the allegation process.

2. Agency Use of Information

The information obtained from the survey will be used to establish a baseline of performance and to evaluate the effectiveness of the current method of processing allegations and communicating the results of the staff's review to

allegers. As with the previous survey results, the staff will use the feedback to identify areas for improvement in the allegation process and make appropriate changes.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to the use of information technology; however, the information provided by the allegor is sensitive in nature. The only way to submit the information electronically, would be to put the form on the NRC's external web-site. If this were done, there would be no assurance that the person completing the survey is the person who submitted the allegation. This will create a potential for receiving inaccurate data.

The form gives the allegor the opportunity to express their opinion on how the NRC handled their allegation. This could include mentioning NRC employees by name in a negative sense and could potentially damage their reputation. Having the ability to electronically submit this form would put the information in a vulnerable position. Therefore this process is not conducive to the use of modern information technologies. Additionally, the recipients may not have access to equipment to submit the information electronically.

4. Effort to Identify Duplication and Use of Similar Information

No similar information is available to the NRC staff. Furthermore, this information does not duplicate or overlap information collections made by the NRC or other government agencies.

5. Effort to Reduce Small Business Burden

This information collection does not significantly affect any small businesses; most of the allegers will be private individuals.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

If allegers are not provided an opportunity to provide their views on the allegation program, the NRC will lose a valuable source of information on the effectiveness of the allegation program and will not be able to develop a baseline of performance for judging the effectiveness of future changes. The previous surveys of randomly selected samples provided valuable insights into weaknesses in the allegation process and certain changes were made to strengthen the program. It is anticipated that a survey of all allegers will provide a broader response and more valuable insights.

7. Circumstances Which Justify Variation from OMB Guidelines

This information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

Opportunity for public comment was published in the Federal Register (64 FR 40901) on July 28, 1999. NRC received one comment letter. The Union of Concerned Scientists recommended that the NRC Form 592 be reformatted.

Union of Concerned Scientists Comment:

The Union of Concerned Scientists believes the NRC Form 592 should be reformatted to list the four graduations in a row: Strongly Agree / Agree / Disagree / Strongly Disagree

NRC Response

The NRC accepted the comment from the Union of Concerned Scientists and reformatted NRC Form 592, "NRC's Handling of Your Concerns." Additionally, the NRC added "neutral" and "not applicable" categories in response to comments from the OMB and NRC staff.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

The results of this survey will be used to assist the NRC in evaluating the effectiveness of its handling of allegations. The surveys will be mailed to alleged by Office Allegation Coordinators (OACs). The recipients will voluntarily return the forms to the Agency's Allegation Advisor (AAA)/Assistant AAA who will analyze the surveys, with assistance from statisticians within the NRC. All information received will be treated as confidential.

11. Justification for Sensitive Questions

No sensitive questions will be used in the survey instruments.

12. Estimated Industry Burden and Costs

(a) Reporting Requirements

The number of allegations received each year varies. However, the NRC estimates that approximately 880 allegations will be received annually during the time this survey is conducted. Approximately 32 percent of the allegations received do not involve correspondence with the individual

who raised the issues<sup>1</sup>. Therefore, the NRC will issue approximately 598 surveys to allegeders with whom the staff has communicated the results of the staff's review. The survey form is completed on a voluntary basis.

Using the formula for calculating response rates on Page 125 of OMB's "Implementing Guidance for OMB Review of Agency Information Collection," the staff estimates a response rate of 83 percent or 497 responses. The staff's calculation of the response rate is based on a one- page survey on a highly salient topic, sent to a targeted population, with at least three contacts (advance letter, mailing of survey, follow-up postcard). The survey form is estimated to take 20 minutes to complete.

Total annual burden = 497 responses X 20 minutes/60 min/hr = 166 hours

Estimated Response Rate =  $46.5 + 2(7.3) - 0.44 + 7.4(3) = 82.86$

46.5 is a constant in the OMB formula for government surveys of a targeted population. The population is considered targeted because each recipient will have contacted the NRC with a concern.

7.3 is an OMB factor representing that the survey is "salient" to the respondents and it is multiplied by 2 because it is "highly salient." The survey is considered highly salient because each recipient will have used the allegation program.

-0.44 is an OMB factor representing that the survey is only a single page.

7.4 is an OMB factor representing the number of contacts with the respondent and is multiplied by 3 to represent the advance letter, mailing of survey (with closure letter), and a follow-up postcard if the survey is not returned within three weeks of mailing.

(b) Recordkeeping Requirements

The AAA will retain the survey forms from each respondent. Therefore, there are no requirements for industry to retain the survey forms.

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<sup>1</sup>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 allegeders. 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.

(c) Total Industry Cost and Burden

Total annual industry burden is 166 hours. Total cost is \$23,738 (166 hours X \$143).

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

Although it is difficult to determine how much time will be spent by the Agency Allegation Advisor and the Assistant Agency Allegation Advisor reviewing the survey forms and identifying comments concerning the adequacy of NRC's review that require follow up by the responsible region or office, a reasonable estimate is 0.5 hours per response. With an estimated survey return rate of 83% for the approximately 598 surveys sent, this would amount to approximately 249 hours of review on the 497 anticipated responses. The analysis of the data is estimated to take 160 hours.

Based upon experience with the two previous surveys, approximately 40% of the 497 responses will contain negative comments by the allegeders, or 199 responses will require some follow-up activity. Such follow-up could be as simple as a review of the allegation file by the allegation coordinator, inspector, or resident who conducted the initial review or inspected the allegation. Such a review is expected to take 1.5 hours.

Review of data from the previous surveys indicates 25% of the surveys with negative responses may require some additional inspection or technical review. This equates to approximately 50 allegations needing additional inspection or review. The average time to evaluate an allegation is approximately 60 hours. The effort to review the 50 allegations would be 3000 hours (50 allegations x 60 hours/allegation = 3000 hours). The other 149 negative responses would only require the 1.5 hours of effort by the allegation coordinator, inspector, or resident mentioned above, for a total time for the review of 224 hours (149 allegations X 1.5 hours/allegation = 224 hours).

Along with the initial 249 hours of review and 160 hours for analysis, this would total 3633 hours of effort (249 + 160 + 3000 + 224 = 3633). This equates to approximately 3.0 FTE or, at a per hour cost of \$143, this would total \$519,519.

This cost is fully recoverable by fee assessments to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden or Cost

There is a significant change in the burden and cost to the industry and the government when compared to the survey approved in June 1995. The change in burden is the result of increasing the number of alleged surveyors from 150 to approximately 598.

16. Publication for Statistical Use

This information is not published for statistical use.

17. Reasons for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

None.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not employed in the collection of information. The survey will be sent to all individuals who submit concerns to the NRC under the allegation program and request that the NRC inform them of the results of NRC's review.

Statistical methods will be used to analyze the data. Variables to be considered in the analysis include whether the NRC substantiated any of the respondents' concerns, whether the respondent's concerns included a claim of discrimination for raising concerns, the respondent's relationship to the regulated industry (e.g., employee, contractor, private citizen), the NRC region/office that responded to the individual's concerns, and any significant changes in the industry or in the allegation program.

The NRC staff will determine the appropriate model for the analysis after the responses from the survey have been received. If the Commission decides to continue the survey, the staff will include the survey results, a description of the model used to analyze the results, and the results of the analysis in the OMB clearance package requesting extension of OMB's approval of the information collection.

## LETTER INVITING PARTICIPATION IN SURVEY

Dear Mr./Mrs./Ms. Smith:

You recently raised (insert number) concern(s) to the NRC. As the person responsible for managing NRC's allegation program, I am responsible for ensuring that the NRC provides a timely and complete answer to your concern(s). I am asking for your help in rating the performance of NRC's allegation program in responding to your concerns.

When the NRC completes its review of your concern(s), we will send you a letter that explains what we did to review your concern(s) and what that review found. When we send that letter, we will also include a short survey that asks you to rate the performance of the NRC staff and the allegation program. Your answers to the survey will be used to identify areas in the allegation program that need to be improved.

Your answers will not be released outside of the NRC without your permission. The answers from all of the surveys that are returned will be collected and analyzed. The staff will report the results of the survey and the analysis to the NRC Commissioners and recommend appropriate changes to the allegation program.

I hope I can count on your support in rating the performance of NRC's allegation program and look forward to receiving your completed survey.

Sincerely,

Edward T. Baker  
Agency Allegation Advisor  
U. S. Nuclear Regulatory Commission



The burden per response for this voluntary collection request is estimated to be 20 minutes. Send comments regarding this burden estimate to the Records Management Branch (T-6E6), U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, or by Internet e-mail to [bjs1@nrc.gov](mailto:bjs1@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs (3150-0185), NEOB-10202, Office of Management and Budget, Washington, D.C. 20503