

Regulatory Impact Summary

Scope and Objectives

On December 20, 1991, the Commission issued a staff requirements memorandum directing the staff of the U.S. Nuclear Regulatory Commission (NRC) to develop a process for obtaining continual feedback from licensees and to report the feedback on the process to the Commission each year. The staff described the continual feedback process in SECY-92-286, "Staff's Progress on Implementing Activities Described in SECY-91-172, 'Regulatory Impact Survey Report—Final,'" issued August 18, 1992.

The feedback process requires regional management to solicit informal feedback from its licensees during routine visits to reactor sites. The managers record this feedback on forms that they forward to the Office of Nuclear Reactor Regulation (NRR) and the Office of Nuclear Security and Incident Response (NSIR). The Regions, NRR, and NSIR then evaluate the concerns identified and take any necessary corrective actions. This process, first implemented in October 1992, has given licensees frequent opportunities to comment on the NRC's regulatory impact.

This enclosure reports on feedback received from licensees during the previous fiscal year. During this period, the staff received and compiled feedback from 95 site visits to 43 reactor sites (68 units) across all four regions. These visits resulted in 178 distinct comments that fell into two main categories—formal communications with licensees and inspector performance. Of the comments compiled, 92 percent (163/178) were favorable and 8 percent (15/178) were unfavorable. The number and distribution of comments and the favorable percentage were similar to previous years. The following sections summarize the feedback received, the staff's evaluation, and the proposed improvement actions.

(1) Formal Communications with Licensees

Feedback

Almost half of the licensees' comments concerned the effectiveness of communications between the NRC staff and licensees. Almost all comments were favorable with regard to communications with inspectors and regional management. Many licensees said that communications were good or excellent, and others noted that the staff's communication skills have improved. A few licensees noted communication concerns with inspection staff, one noted that the NRC did not respond well to questions during a public meeting with the licensee, and another licensee noted that the NRC's preliminary determination letter provided before an enforcement conference was not properly characterized.

Evaluation and Action

The staff concludes that communication between the NRC and its licensees is effective and that the reported communication problems were isolated instances. The staff bases this conclusion on the large number of routine interactions between the NRC and its licensees, combined with the many favorable comments and the relatively few negative comments received during the past year. Nearly 95 percent of the comments received this year were favorable.

The staff is aware of the importance of prompt and clear communication and emphasizes this goal in the policy, guidance, and training provided for the inspection program. Effective

communications will remain a priority and will receive continued monitoring and attention from regional and headquarters management.

(2) Inspector Performance

Feedback

Almost half of the licensees' comments concerned inspector performance. This category covers a wide range of inspector practices but excludes issues involving communication with licensees discussed in the previous section. Nearly all of the comments were complimentary of the NRC's inspection staff, noting the high quality of inspections and the effective and professional working relationship between the NRC and its licensees. Most licensees noted that NRC inspections were effective, and the associated inspection reports correctly characterized the licensee's performance. However, a few licensees questioned the NRC's basis for specific violations related to three distinct inspections (fire protection; modifications under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59, "Changes, Tests, and Experiments"; and keeping exposures as low as reasonably achievable), and another licensee questioned the staff's timeliness in dispositioning a piping issue.

Evaluation and Action

The staff concludes that inspectors were professional, maintained effective working relationships, and appropriately characterized licensee performance. Over 95 percent of the comments received this year were favorable. The staff reviewed the negative feedback for trends and found that each concern related to an isolated incident or a difference in professional opinion. As stipulated in Attachment 2, "Process for Appealing NRC Characterization of Inspection Findings (SDP Appeal Process)," to Inspection Manual Chapter 0609, "Significance Determination Process," the significance determination process has a formal venue for a licensee to appeal the staff's final significance determination of an inspection finding. This process was invoked only once in 2009, and that appeal letter was rejected because it failed to meet the criteria for invoking the appeal process.

The NRC management continues to emphasize to the staff the importance of professional conduct. Senior NRC managers reinforce these expectations in inspector counterpart meetings, workshops, and training courses, as well as during site visits conducted in accordance with Inspection Manual Chapter 0102, "Oversight and Objectivity of Inspectors and Examiners at Reactor Facilities." The staff will continue to closely monitor the regulatory impact of inspector performance.