

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 it 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,'" dated 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 NRC Regions, NRR, and NSIR then evaluate the concerns and take any necessary corrective actions. This process has provided licensees with frequent opportunities to comment on the NRC's regulatory impact.

This enclosure reports on feedback received from licensees during fiscal year (FY) 2011. During this period, the staff received and compiled feedback from 92 site visits to 50 reactor sites across all four NRC Regions. These visits resulted in 185 distinct comments that fell into two main categories: formal communications with licensees and inspector performance. Of the comments compiled, 92 percent were favorable and 8 percent were unfavorable. The favorable percentage and distribution of comments were similar to previous years. The sections below summarize the feedback received, the staff's evaluation, and the proposed improvement actions.

Inspector Performance

Feedback

Over half of the licensees' comments related to inspector performance. This category covers a wide range of inspector practices, but it excludes issues involving communication with licensees discussed in the following section. Over 90 percent of the comments were positive with respect to the NRC's inspection staff, noting the high quality of its inspections, its technical competence, and the effective working relationship between the NRC and its licensees. Licensees described inspectors as tough but fair, professional, and focused on the issues of greatest significance. Nonetheless, several licensees had unfavorable comments about concerns or disagreements they had with the inspector's characterization of an inspection issue.

Evaluation

The staff concludes that inspectors were professional, maintained effective working relationships, and appropriately characterized licensee performance. Over 90 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)," dated June 8, 2011, to Inspection Manual Chapter (IMC) 0609, "Significance Determination Process," dated June 2, 2011, the significance determination process (SDP) 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 2011. The appeal was denied and the staff's final determination was upheld.

The NRC management continues to emphasize to the staff the importance of professional conduct. Senior NRC managers reinforce these expectations during inspector counterpart meetings, workshops, training courses, and site visits conducted in accordance with IMC 0102, "Oversight and Objectivity of Inspectors and Examiners at Reactor Facilities," dated August 22, 2005. The staff will continue to closely monitor the regulatory impact of inspector performance.

Formal Communications with Licensees

Feedback

Almost half of the licensees' comments related to the effectiveness of communications between the NRC staff and licensees. Almost all comments were favorable on communications with resident and region-based inspectors as well as regional and Headquarters staff and management. Many licensees said that communications were good or excellent, with only a single licensee noting communication concerns with an individual inspector.

Evaluation and Action

The staff concludes that communications between the NRC and its licensees are effective. 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. All of the comments except one received this year about NRC communications were favorable, and the reported communication problem was isolated and has been addressed.

The staff is aware of the importance of prompt and clear communication and emphasizes this goal in the policy, guidance, and training provided for inspectors and other NRC staff and management. Effective communications will remain a priority and will receive continued monitoring and attention from regional and Headquarters management.

Other Notable Comments

Feedback

As previously noted, more than 90 percent of comments were favorable, although some additional concerns were noted outside the inspector performance or formal communications areas previously discussed. For example, a few licensees raised concerns with the potential negative impacts in implementing Title 10 of the *Code of Federal Regulations* Part 26, "Fitness for Duty Programs," Subpart I, "Managing Fatigue." Two licensees also noted concerns with untimely or inconsistent decisionmaking and two others expressed concerns with the subjectivity of aspects of the SDP, including the security SDP, and the use of qualitative criteria when risk-informed tools are not adequate to provide reasonable and timely estimates of safety significance.

Evaluation and Action

The staff acknowledges these concerns and has forwarded the specific feedback to the responsible offices for their consideration.