

## **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 provide feedback on the NRC's regulatory impact to senior NRC management. The site visits are also conducted to ensure inspector objectivity in accordance with IMC 0102, "Oversight and Objectivity of Inspectors and Examiners at Reactor Facilities," dated April 24, 2013.

This enclosure reports on feedback received from licensees during fiscal year 2013. During this period, the staff received and compiled feedback from 76 site visits to 38 operating reactor sites across all four NRC regions. These visits resulted in 167 distinct feedback observations that fell into two main categories: (1) inspector performance and (2) formal communications with licensees. Of the comments compiled, 89 percent were favorable and 11 percent were unfavorable. The favorable percentage and distribution of comments were similar to previous years, and the unfavorable comments were focused primarily in discreet areas as discussed below. 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 95 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 generally described inspectors as tough but fair, professional, and focused on the issues of greatest significance. A few licensees had unfavorable comments expressing concerns with the inspector's characterization of an inspection issue and interactions with inspection teams.

## Evaluation

The staff concludes that inspectors were professional, knowledgeable, maintained effective working relationships, and appropriately maintained their objectivity. Almost all of the comments received this year regarding inspector performance were favorable. The staff reviewed the negative feedback and found that each concern related to an isolated incident or a difference in professional opinion.

NRC management continues to emphasize to the staff the importance of professional conduct during routine interactions, inspector counterpart meetings, workshops, training courses, and site visits. The staff will continue to closely monitor the regulatory impact of inspector performance.

## **Formal Communications with Licensees**

### Feedback

Almost one third 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 noted 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 but one of the comments received this year about NRC communications were favorable; the reported communication problem was isolated, and subsequent feedback indicated that the concerns had been alleviated.

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

## **Other Notable Comments**

### Feedback

As previously noted, almost 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 (1) the cumulative effects of regulation (CER), (2) the impact of recent changes to NUREG-1022, "Event Reporting Guidelines: 10 CFR 50.72 and 50.73," and (3) the lack of clear guidance for transitioning reactors from operating to decommissioning status. Other isolated concerns were shared with senior NRC management during their site visits.

## Evaluation and Action

The staff acknowledges the industry's concern regarding CER, and notes that CER is a priority to the NRC staff. Beginning in 2009, the staff began to investigate CER and to develop rulemaking process enhancements that aim to mitigate CER. The NRC's effort to address CER, including the rulemaking process enhancements, is described in SECY-11-0032, "Consideration of the Cumulative Effects of Regulation in the Rulemaking Process," (ADAMS Accession No. ML110190027) and SECY-12-0137, "Implementation of the Cumulative Effects of Regulation Process Changes," (ADAMS Accession No. ML12223A162). Currently, the NRC staff is responding to Commission direction provided in SRM-SECY-12-0137 (ADAMS Accession No. ML13071A635). Specifically, the staff is: (1) working with industry participants to develop case studies on the accuracy of the cost and schedule estimates in NRC's regulatory analyses; (2) exploring whether to expand CER to other regulatory actions beyond rulemaking; and (3) developing a Commission paper by March 2015 describing any lessons learned on CER. A separate effort is ongoing to respond to SRM-COMGEA-12-0001/COMWDM-12-0002, "Proposed Initiative to Improve Nuclear Safety and Regulatory Efficiency," (ADAMS Accession No. ML13037A541). To respond to this SRM, the staff is exploring whether risk information could be used to prioritize regulatory actions on a plant-specific basis. If approved by the Commission and implemented, such a prioritization could be a tool to further address CER.

The staff is aware of industry's concerns with the February 2013 revision to NUREG-1022 as discussed in the performance indicator program evaluation in Enclosure 1. The staff will continue to work with stakeholders in calendar year 2014 to address their concerns in this area.

The staff also recognized the need for improved guidance regarding the transition of power reactors from an operating to decommissioning status. The staff added guidance in IMC 2515, "Light-Water Reactor Inspection Program – Operations Phase," and discussed this topic at the March 2014 Regulatory Information Conference. The staff acknowledges these and other noted concerns and has forwarded the specific feedback to the responsible offices for their consideration. The staff plans to enhance communications about the process with all stakeholders.