

Internal Assessment

Emergency Action Levels

Frequently Asked Questions

Internal Assessment Emergency Action Levels Frequently Asked Questions

Background:

In 2005 the NRC initiated a pilot program for a process to address frequently asked questions (FAQs) to provide appropriate responses to questions raised on the interpretation or applicability of emergency preparedness (EP) regulatory guidance issued by the NRC. In April 2005 the NRC conducted a public meeting with representatives of the Nuclear Energy Institute (NEI) and industry to discuss pending Emergency Action Level (EAL) issues. A letter from NRC to NEI, dated August 31, 2005 (ADAMS ML051950112), provided a charter that described the pilot EP FAQ process for clarifying NRC staffs interpretation of existing regulatory guidance.

This report serves as an assessment of that pilot program.

Objectives and Scope of Assessment:

Objectives of the internal assessment of the EAL FAQ project:

1. Did the EAL FAQ project meet the original goal described in the Charter?
2. Did the Project conform with the process described in the Charter?
3. Did the EAL FAQ process satisfy the Charter-defined criteria to justify expansion of the pilot program?

Lead Assessor: Walter Lange

Other Assessor: James Anderson

Assessment Period: May 10 –June 8, 2010.

Key Personnel Contacted:

Don Johnson, US NRC/ NSIR/ DPR

Mike Norris, US NRC/ NSIR/ DPR

Susan Perkins-Grew, NEI

Martin Hug, NEI

Walter Lee, TVA

Assessment Results Summary:

The assessment team reviewed available documents, and conducted several interviews with NRC and NEI personnel. The Assessment was conducted in accordance with an approved plan (Enclosure 3). Details of the assessment are recorded in Report of the Assessment (Enclosure 6).

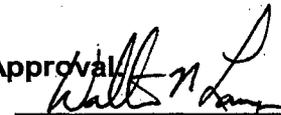
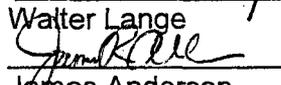
- 1) The assessment of the EAL Frequently Asked Questions project found that the process effectively accomplished the goals described in the charter.
- 2) Questions and related answers were found to be useful to concerned stakeholders (NEI, Licensees, and contractors who support the preparation of EAL information for licensees).
- 3) NEI and industry stakeholders who participated in the assessment encouraged broader application of the process to include other emergency preparedness issues. NEI also stated that the process would be more beneficial if approved answers were provided by NRC in a more timely manner.

Recommendations:

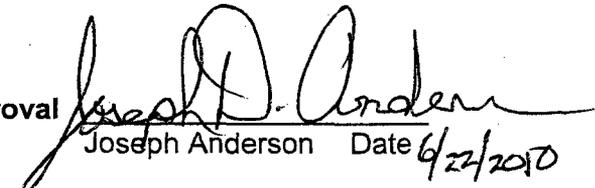
1. 1. DPR/EPD may consider updating EALFAQ Charter in support of the proposed submittal and implementation of Revision 6 to NEI 99-01 and future revision to NEI 07-01 for new reactors. Updated charter should address the following:
 - a. More accurately reflect current process used for reviewing and evaluating FAQ and proposed industry resolution, and approving final FAQ disposition by NRC.
 - b. Current DPR organization titles.
 - c. Provide clearer identification of deliverables (including alignment up front with NEI/industry on "timeliness"); reviews and approvals (based on current DPR organization); and as appropriate, roles and responsibilities.
 - d. Formal concurrence block to identify originator (author), reviewers and approving official, as well as charter effective date.
2. DPR/EPD may consider developing similar FAQ processes for other EP related issues.
 - a. Industry representatives who responded to the assessment stated that FAQs would assist licensees in the preparation of license submissions. They further stated that the consequent greater consistency of EP planning by licensees would result in license applications that are better aligned, and better industry understanding of EAL schemes.
3. DPR/EPD may consider incorporating the EAL FAQ process and lessons-learned in future training and development opportunities, such as NRC training course H-203.
4. DPR/EPD may consider defining performance indicators under Quarterly Operations Plan metrics for Operating Reactor Licensing activities.
5. DPR/EPD may consider establishing a formalized Internal Assessment Process in order to facilitate interim and final assessments of internal processes. (eg modeled on the Incident Response Self Assessment Program IRMC 0210.)

Review and Approval

Assessors:

 6/21/2010
Walter Lange Date
 6/21/10
James Anderson Date

Approval


Joseph Anderson Date 6/22/2010

Enclosures

- 1) Charter
- 2) Process flow chart for activities described in the charter
- 3) Assessment Plan (approved May 4, 2010)
- 4) Questions used for interviews with internal and external stakeholders
- 5) Matrix showing respondents comments provided during interviews.
- 6) Report of the assessment of the EAL Frequently Asked Questions process
- 7) Summary table of EAL FAQ public meetings

References

- 1) Regulatory Guide 1.101
- 2) NEI 99-01 Rev.5

Enclosure 1

Emergency Preparedness (EP) Frequently Asked Questions (FAQ) Process Charter

Emergency Preparedness (EP) Frequently Asked Questions (FAQs) Process

Purpose: Describe the manner in which the U. S. Nuclear Regulatory Commission (NRC) may provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of emergency preparedness (EP) regulatory guidance issued by the NRC, before the NRC issues an official response to such questions.

Scope: During a pilot phase, the EP FAQ process will be limited to the emergency action level (EAL) guidance documents endorsed under Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors." NRC staff will consider at a later date whether to formally adopt the EP FAQ process and, if so, whether to expand the EP FAQ process to other EP guidance.

The EP FAQ process is intended to clarify the staff's interpretation of existing regulatory guidance issued or endorsed by NRC, and will not be used to create new regulatory positions or guidance. The EP FAQ process should also not be used by NEI or the industry to determine whether a proposed change would constitute a decrease in effectiveness as defined in 10 CFR 50.54(q) or to bypass enforcement action. Issues involving safeguards information will not be considered.

NRC will hold periodic public meetings with NEI, industry, and interested stakeholders to provide the opportunity to present questions and their views on potential answers to these questions. During the public meetings, NRC staff will not negotiate a resolution or provide a final decision on a proposed answer.

FAQ Development: An EP FAQ may be submitted by the industry to NEI. Questions may be plant specific, but have the potential to affect more than one plant, or questions may be generic and involve many facilities. NEI will be responsible for initially screening the EP FAQs received from the industry to ensure applicability, eliminate redundancy with existing or previously answered EP FAQs, and verify that sufficient information is provided to properly categorize and evaluate issues. NEI will also be responsible for maintaining an EP FAQ log and assigning a unique tracking number for FAQs received after completing the initial screening described above.

The Emergency Preparedness Directorate (EPD) EP FAQ Coordinator will perform an initial screening, as described above, of all proposed EP FAQs submitted by NRC staff and external stakeholders other than NEI and industry (i.e., Federal, State and local agencies, members of the public, etc.). The EP FAQ Coordinator will then forward these EP FAQs to the designated NEI Coordinator for assignment of a tracking number, consideration by NEI and industry representatives, and development of proposed answers.

Enclosure

FAQ Resolution: Before a decision is made by NRC staff on the answer to an EP FAQ, NRC will hold a public meeting to provide the opportunity to clearly describe the issue and to identify and describe any answer proposed by NEI. During the public meeting, NRC participants may ask questions of NEI and industry representatives to clarify the issue and may give their preliminary views on the proposed answer. However, NRC will not negotiate the differences between the NRC staff and NEI or industry representatives on the answer to an EP FAQ.

Public meetings to address outstanding EP FAQs should be held at least once per calendar quarter, if required, to address outstanding EP FAQs, but may be scheduled more frequently at the discretion of the EP FAQ Coordinator or as requested by the NEI Coordinator. The EP FAQ Coordinator will serve as the meeting chairperson and will be responsible for: (1) scheduling public meetings in coordination with the NEI Coordinator, and (2) providing appropriate public notice and coordinating activities in accordance with NRC Management Directive 3.5 Handbook, "Attendance at NRC Sponsored Meetings," and Nuclear Security and Incident Response instruction COM-214, "Meetings With Applicants, Licensees, Vendors, and Other Members of the Public." Attendance at the public meeting will include, at a minimum, (1) the EP FAQ Coordinator, (2) the Chief of the Licensing and Regulatory Improvements Section or a designated alternate, and an NEI representative. The Office of General Counsel and other NRC staff members involved in reviewing licensee submittals or determining NRC guidance should also be invited to these meetings. Representatives of States, local governmental bodies and Federally recognized Indian tribes, and interested members of the public in attendance at these meetings will be provided an opportunity to comment on proposed EP FAQ issues and answers.

The NEI Coordinator will be responsible for presenting proposed EP FAQ issues and answers submitted by NEI for discussion at the public meetings. If the EP FAQ Coordinator determines that an EP FAQ does not adequately describe the issue or provide sufficient supporting information, NRC staff will withdraw the EP FAQ from consideration until the NEI Coordinator clarifies the issue.

After the public meeting, the EP FAQ Coordinator will discuss the EP FAQs and proposed answers with appropriate NRC staff members. If NRC staff accepts the EP FAQ answer, the EP FAQ Coordinator will post the EP FAQ and proposed answer as "tentative" on the NRC Web Site for a 30-day comment period. The EP FAQ Coordinator may also submit the EP FAQ and proposed answer to OGC for concurrence. If prompt resolution is needed, NEI may ask the NRC staff to bypass the 30-day comment period.

If no objections are raised during the 30-day comment period, the EP FAQ and answer will be forwarded to the EPD Director for approval. After approval, documentation of the EP FAQ and answer will be entered into ADAMS and will be marked "approved" on the NRC Web Site. EP FAQs and answers posted on the NRC Web Site are NRC staff interpretations of EAL schemes and should be treated as clarifications of NRC-issued or -endorsed guidance. All approved EP FAQ resolutions based on the EAL scheme outlined in NEI 99-01 should be incorporated into the text of NEI 99-01 during the next revision.

Enclosure

All comments received by NRC staff will be made available through ADAMS. The EP FAQ Coordinator will coordinate with the Department of Homeland Security/Federal Emergency Management Agency and the Office of State and Tribal Programs on comments received from State and local governmental bodies or Federally recognized Indian tribes.

Any comments received by NRC staff during the comment period on a tentative EP FAQ answer will be forwarded to the designated NEI Coordinator and entered into ADAMS by the EP FAQ Coordinator. Comments received will also be addressed at the next public meeting to determine whether the proposed answer should be changed or clarified.

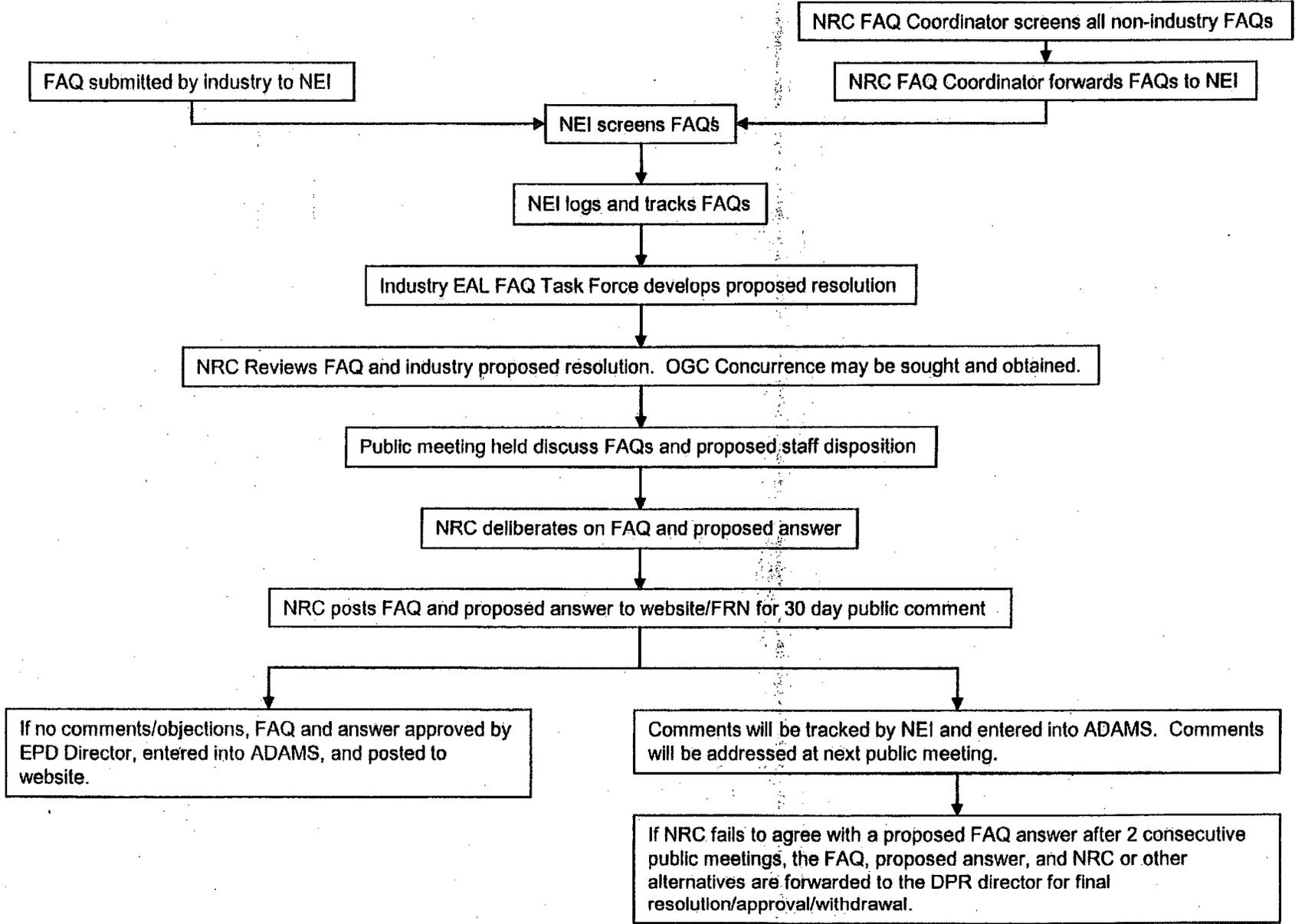
If NRC staff fails to agree with an NEI- or industry-proposed answer after two consecutive public meetings, the EP FAQ Coordinator may forward the EP FAQ with NRC staff's and any proposed alternatives to the Director, Division of Preparedness and Response, for final resolution and approval or withdrawal.

Enclosure

Enclosure 2

EP FAQ Pilot Process Flowchart

EP FAQ Pilot Process Flowchart



Enclosure 3

EAL FAQ Assessment Plan

Emergency Action Level Frequently Asked Question (EAL FAQ) Assessment Plan

Page 1 of 2

May 2010

Purpose: To assess whether the pilot EAL FAQ process fulfilled its charter and facilitate a determination of whether the pilot program should be formalized and/or expanded.

Assessment Team:

- Walter Lange, NSIR/DPR (Lead)
- James Anderson, NSIR, DPR

Assessment Period:

- Conduct Assessment: **May 10-28, 2010** (Assessors devoting 40-50% time to this assessment for this period)
- Submit assessment report for DDEP (NSIR/DPR) approval: **June 21, 2010**

Objectives:

- 1) Determine whether the pilot EAL FAQ process met the original goal(s) as stated in the charter in providing timely resolution of FAQs in a publically transparent manner.
- 2) Determine whether the pilot EAL FAQ process identified in the charter was effectively adhered to, and if there was deviation, how was it approved and accomplished and to what end.
- 3) Provide recommendations to NSIR/DPR management as to whether the pilot EAL FAQ process should be 1) formalized and/or expanded to address additional guidance issues, 2) modified incorporating lessons-learned, or 3) discontinued.

Tasks / Process:

Objective 1: Determine whether the pilot EAL FAQ process met the original goal as stated in the charter in providing timely resolution of FAQs in a publically transparent manner.

- 1) Define the goal(s) as stated in the charter:
 - "...provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of emergency preparedness (EP) regulatory guidance issued by the NRC, before the NRC issues an official response to such questions."
 - "...to clarify the staff's interpretation of existing regulatory guidance issued or endorsed by NRC, and will not be used to create new regulatory positions or guidance."
- 2) Assess whether the goal(s) were met by the process as executed, using document review, and interviews with stakeholders.
 - Were outside parties provided an opportunity to share their individual views with NRC staff?
 - were FAQs submitted?
 - were public meetings held?
 - were public meetings well attended/was there good participation?

- Was the staff's interpretation of existing regulatory guidance clarified?
 - were FAQ answers provided?
 - did interested outside parties find the answers useful?
 - were FAQ answers incorporated into guidance?

Objective 2: Assess whether the pilot EAL FAQ process identified in the charter was effectively adhered to, and if there was deviation, how was it approved and accomplished and to what end.

- 1) Define the process as outlined in the charter
- 2) Using records, determine whether the defined process was followed
 - NEI FAQ log
 - Public Meeting Records
 - Final FAQ answers
- 3) Document any deviations from the defined process
- 4) Determine justification for and approval of deviations from the defined process
- 5) Assess whether the adjusted/ modified process was executable.

Objective 3: Provide recommendations to NSIR/DPR management as to whether the pilot EAL FAQ process should be formalized and/or expanded to address additional guidance issues.

- 1) Were the process goal(s) met? (See objective #1)
- 2) Was the process executable? (See objective #2)
- 3) Was the process useful to the staff?
- 4) Could the process be applicable to other areas of EP/other types of guidance?
 - evaluate with OGC
 - evaluate with NRR

Prepared by: Walter Lange 5/3/2010
Walter Lange

Reviewed by: Joseph D. Anderson 5/3/2010
Joseph Anderson
Chief, Operating/Reactor Licensing and Outreach Branch

Approved by: Chris Miller 5/4/10
Chris Miller
Deputy Director for Emergency Preparedness (NSIR/DPR)

Enclosure 4

Questions Used for Interviews with Internal and External Stakeholders

Questions for use during interviews with stakeholders for the assessment of the EAL FAQ process.

1. Did the EAL FAQ process (2005-2006) achieve the stated purpose?
2. Was the process as defined in the FAQ Charter adhered to?
3. Was the defined process adjusted or modified in any way?
4. How were the adjustments or modifications recorded and implemented?
5. Were Public Meetings held?
6. Were the meetings well attended?
7. Were FAQ answers provided in a timely manner?
8. Did interested outside parties find the answers useful?
9. Were FAQ answers incorporated into guidance?
(Please help us to locate FAQ answers)
10. Should the FAQ process be continued as originally described in the charter?
11. Are there enhancements to the process that are recommended for future implementation?

Enclosure 5

Matrix of Responses to EAL FAQ Process Questions Provided During Interviews

Matrix Responses to EAL FAQ process questions. May 18-20, 2010 page 1 of 3

	Assessment Question	D. Johnson May 18, 2010 10 AM	M. Norris May 18, 2010 10 AM	NEI : Perkins-Grew/ M. Hug/ W. Lee May 20, 2010 8:30 AM
1.	Did the EAL FAQ process (2005-2006) achieve the stated purpose?	Yes	Yes	Yes
2.	Was the process as defined in the FAQ Charter adhered to?	"More yes than no" (note J1)	"as far as I know"	Yes W. Lee asked if Reg guide 1.101 will be used for endorsement of revisions of NEI 99-01 R5
3.	Was the defined process adjusted or modified in any way?	No modifications were needed. The process was flexible	NA see note N1	Process worked effectively, M. Hug commented that "we moved to a revision process of NEI 99-01)"
4.	How were the adjustments or modifications recorded and implemented?	No adjustments	NA	NA. Process worked effectively.
5.	Were Public Meetings held?	Yes. In addition there were several "drop-ins"	Yes	Yes
6.	Were the meetings well attended?	"core group" always attended.	Yes, by NRC and NEI. No state or public participation.	Yes - Good attendance by industry.(Licensees and by contractors who support the licensees.)
7.	Were FAQ answers provided in a timely manner?	Only one FAQ was cited for expedited resolution. (see note N2) most were identified (by industry) as needed "whenever you (NRC) get to it"	"hard to say what is timely, especially when there were multiple rounds..."(see note N2)	The first cycle (2005-2006) was more timely than the more recent cycle. NEI commented on approximately 40 FAQs that have been submitted that are pending.
8.	Did interested outside parties find the answers useful?	Yes. D. Johnson cited feedback from industry and consultants. FAQs helped align industry compared to NEI 99-01 R4.	Yes	Yes. NEI wants to move licensees to use the single document (NEI 99-01)

Matrix Responses to EAL FAQ process questions. May 18-20, 2010 page 2 of 3

9.	Were FAQ answers incorporated into guidance?	Yes "FAQs got the ball rolling for NEI -99-01 R5.	Yes- NEI 99-01 Rev 5	Yes
10.	Should the FAQ process be continued as originally described in the charter?	Only until NEI 99-01 R6 is complete. At some point in the future we will want to revisit the process for new Passive Designs"	Yes – as we implement NEI 99-01 R5 there will be new things and some more tweaking of 99-01 R6.	Yes. Process is important and works well. Timeliness of resolution of FAQs is an issue. NEI specifically cited the FAQ regarding security contingency plan. NEI stated that NRC approved this in March 2010. NEI stated that there are approximately 40 FAQs pending. NEI noted that budgets (industry and NRC) affect the availability of staff to support the timeliness of the process.
11.	Are there enhancements to the process that are recommended for future implementation?	D. Johnson suggested ongoing working meetings between NEI and NRC.	NEI may ask us to expand this to other areas of the Emergency Planning.	NEI recommends: 1) Improvement of the speed of resolution of FAQs. 2) Clarify distinction between "FAQ" and deviation. 3) additional public meetings- previous meeting was Nov 2009, with next one scheduled for June 2010.

Notes:

Comments/ notes are identified by J for Johnson, N for Norris, NEI for NEI.

J1 - Q2 Don Johnson commented that the process flow chart did not capture a public meeting that is typically conducted after the NRC has deliberated on FAQ and proposed answer.

J2 Don Johnson is satisfied that the process is flexible enough.

J2. Don Johnson suggests that the FAQs as incorporated in NEI-99-01 provide adequate guidance for licensees and their contractors. Site-specific variations will require ongoing dedicated EP review staff who can make determinations of adequacy of future licensee questions.

N1 - Q 3 Mike Norris commented that the charter does not address actions taken when NRC rejects a NEI EAL FAQ. (A preliminary reading of Charter indicates that the charter is silent on rejections.)

N2 NEI 03-12 was the driver for priority action on the security EAL question.

Enclosure 6

Report of the Assessment of the EAL FAQ Process

Report of the Assessment of the EAL Frequently Asked Questions Process

Page 1 of 5

This report follows the structure of the Assessment Plan that was approved for use on May 4, 2010 (Enclosure 3). Text in shaded boxes is taken directly from the plan. *Italicized text* represents assessor comments.

Tasks / Process:

Objective 1: *Determine whether the pilot EAL FAQ process met the original goal as stated in the charter in providing timely resolution of FAQs in a publically transparent manner.*

1) Define the goal(s) as stated in the charter:

“...provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of emergency preparedness (EP) regulatory guidance issued by the NRC, before the NRC issues an official response to such questions.”

Yes. The assessment of documents and interviews confirmed that outside parties had this opportunity and that public meetings were conducted prior to the official response.

“...to clarify the staff's interpretation of existing regulatory guidance issued or endorsed by NRC, and will not be used to create new regulatory positions or guidance.

Yes. The assessment of documents and interviews confirmed that the FAQ process was successful in clarification of regulatory guidance (NEI 99-01) with endorsements via NUREG 1.101 and by Letter. It is recommended that the process for endorsement of revisions to NEI 99-01 should be consistent, and more clearly defined, whether by letter, RIS or other means.

2) Assess whether the goal(s) were met by the process as executed, using document review, and interviews with stakeholders.

Yes. The assessment process included document review and interviews with stakeholders. (See enclose 5, Matrix showing respondent comments.)

Were outside parties provided an opportunity to share their individual views with NRC staff?

- were FAQs submitted?
- were public meetings held?
- were public meetings well attended/was there good participation?

Yes. The assessment confirmed that FAQs were submitted, public meetings held and that attendance was good. During an interview, NEI representatives stated that the meeting rooms were sometimes at capacity.

Was the staff's interpretation of existing regulatory guidance clarified?

- were FAQ answers provided?
- did interested outside parties find the answers useful?
- were FAQ answers incorporated into guidance?

Yes, The assessment of documents and interviews confirmed that this was accomplished. FAQ answers are (or will be) incorporated in revisions of NEI -99-01 with subsequent endorsement by NRC.

Objective 2: *Assess whether the pilot EAL FAQ process identified in the charter was effectively adhered to, and if there was deviation, how was it approved and accomplished and to what end.*

- 1) Define the process as outlined in the charter

Enclosure 2 is a process flow chart that was developed from a detailed review of the charter. The flow chart describes the external process of identifying and submitting and publishing FAQs. The Charter and the process flow chart do not describe internal NRC procedures that are used for evaluating and approving Questions and Answers. During a public meeting on June 2, 2010 questions by NEI representatives demonstrated that such internal NRC processes should be documented. (This was identified as an NRC action item at the conclusion of the Public Meeting of June 2, 2010)

- 2) Using records, determine whether the defined process was followed

ADAMS documents confirmed the overall FAQ process and the record of meetings and disposition of FAQs.

- NEI FAQ log

The NEI FAQ log was not available to the assessment team.

- Public Meeting Records

Public Meeting records were found in ADAMS. (see Enclosure 7)

- Final FAQ answers

Final FAQ answers were posted to the website and FRN.

3) Document any deviations from the defined process

From the several interviews, there appeared to be minor deviations from the process as defined in the charter. These deviations were apparently not documented, but appeared to be tacitly agreed to by the principal participants by NEI and NRC. During Public Meetings on June 2, 2010, NEI representatives raised questions about the internal NRC process for resolution of proposed EAL FAQs.

"Is the process documented?"

"We will do what the process is, but we need to know what the process is."

These comments deserve serious consideration. It may be recommended that NRC should develop documented procedures for internal actions related to EAL Frequently Asked Questions.

4) Determine justification for and approval of deviations from the defined process

During public meetings on June 2, 2010 industry representatives commented on lack of clarity of process, of distinctions between "revision" and "rewrite".

5) Assess whether the adjusted/ modified process was executable.

From comments expressed at the June 2, 2010 Public Meeting, it is recommended that the charter be revised to more clearly identify objectives, deliverables, roles and responsibilities. Furthermore, it is recommended that NRC develop internal procedures that define decision-making and criteria.

Objective 3: *Provide recommendations to NSIR/DPR management as to whether the pilot EAL FAQ process should be formalized and/or expanded to address additional guidance issues.*

1) Were the process goal(s) met? (See objective #1)

Yes. The early (2005-2006) process between NRC and industry was well documented and FAQs were completed, incorporated in NEI 99-01 and endorsed. Final action on recent FAQs (2008-2010) has not been completed expeditiously due to some higher priority activities. One related to security was dispositioned in November 2009. Others were addressed during a public meeting on June 2, 2010. Questions from NEI representatives during this meeting demonstrated that there are inconsistent understandings of terms, criteria, and processes for resolving EAL FAQs.

2) Was the process executable? (See objective #2)

Yes, Review of ADAMS records and interviews with NRC staff and NEI representatives confirm that the process was executable. However, the Public Meetings of June 2, 2010 indicated that the process is not well-understood, and that decision criteria are not clearly defined.

3) Was the process useful to the staff?

FAQs have been demonstrated to be beneficial to industry. The process provided NRC staff a means to clarify the staff's interpretation of existing regulatory guidance issued or endorsed by NRC. It may be recommended that FAQs and the process be incorporated in the staff development plan and qualification program for reviewers.

4) Could the process be applicable to other areas of EP/other types of guidance?

- evaluate with OGC
- evaluate with NRR

NEI representatives recommend expanded use of FAQs.

NRC may want to consider a FAQ process for other EP activities. NEI suggested that increased alignment and consistency among licensees would be beneficial to industry. NRC may consider an internal assessment of the regulatory benefits and costs of additional EP issues that may be appropriate for FAQs.

OGC had offered broad comments at the beginning of this assessment, suggesting that the scope of this evaluation should be clear. OGC asked whether purpose of the assessment was of the NRC's internal process for developing the responses or the overall EAL FAQ process? This Evaluation primarily addressed the overall external process. However, comments by Public Meeting Participants on June 2, 2010 indicate that the NRC internal process is not adequately documented. Related assessor comments are incorporated in appropriate preceding sections of this evaluation.

NRR was not consulted in this review because NRR was not involved in the EAL FAQ effort.

Report of the Assessment of the EAL Frequently Asked Questions Process

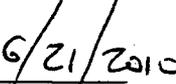
Recommendations:

As a result of this assessment of the EAL FAQ process, the assessment team offers the following recommendations:

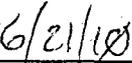
1. DPR/EPD may consider updating EALFAQ Charter in support of the proposed submittal and implementation of Revision 6 to NEI 99-01 and future revision to NEI 07-01 for new reactors. Updated charter should address the following:
 - a. More accurately reflect current process used for reviewing and evaluating FAQ and proposed industry resolution, and approving final FAQ disposition by NRC.
 - b. Current DPR organization titles.
 - c. Provide clearer identification of deliverables (including alignment up front with NEI/industry on "timeliness"); reviews and approvals (based on current DPR organization); and as appropriate, roles and responsibilities.
 - d. Formal concurrence block to identify originator (author), reviewers and approving official, as well as charter effective date.
2. DPR/EPD may consider developing similar FAQ processes for other EP related issues.
 - a. Industry representatives who responded to the assessment stated that FAQs would assist licensees in the preparation of license submissions. They further stated that the consequent greater consistency of EP planning by licensees would result in license applications that are better aligned, and better industry understanding of EAL schemes.
3. DPR/EPD may consider incorporating the EAL FAQ process and lessons-learned in future training and development opportunities, such as NRC training course H-203.
4. DPR/EPD may consider defining performance indicators under Quarterly Operations Plan metrics for Operating Reactor Licensing activities.
5. DPR/EPD may consider establishing a formalized Internal Assessment Process in order to facilitate interim and final assessments of internal processes. (eg modeled on the Incident Response Self Assessment Program IRMC 0210.)

Assessment Team:


Walter Lange


Date


James Anderson


Date

Enclosure 7

Summary Table of EAL FAQ Public Meetings

Date	Category	Subject/Purpose	Participation	Summary	Notes
9/30/2005	2	Discuss Implementation of EP FAQ Pilot	NRC NEI, A. Nelson Exelon, S. McCain Exelon, B. Knepper SNC, W. Lee NMC, M. Vonk NMC, J.M. Davis PPL, Sus., D. Coffin TXU, M. Bozeman Bechtel, L. Hay FPLE, D. Young FENOC, V. Higaki No Public No State/Local	10/5/2005	- Noted limited scope of EP FAQ pilot process - industry task force will forward FAQs to NRC - No specific FAQs discussed - Anticipate FAQs to NRC by mid-november
1/25/2006	2	Present industry identified FAQs and proposed resolutions dealing with EAL guidance endorsed under Reg. Guide 1.101	NRC NEI, A. Nelson SNC, W. Lee	???	
5/4/2006	2	Present industry identified FAQs and proposed resolutions dealing with EAL guidance endorsed under Reg. Guide 1.101	NRC NEI, M. Hug NEI, A. Nelson Industry Representatives No Public No State/Local	5/18/2006	- <i>NRC presented two new FAQs</i> - <i>Industry presented new FAQs*</i> <i>*How did this follow the process?</i>
9/7/2006	2	Present industry identified FAQs and proposed resolutions dealing with EAL guidance endorsed under Reg. Guide 1.101	NRC NEI, M. Hug NEI, A. Nelson NMC, M. Vonk NMC, M. Ray OSSI, C.K. Walter FENOC, K. Meade	10/18/2006	- Discussed technical positions for FAQ under review - Industry response to 2 NRC presented FAQs

			ICF, R.H. Wessman SNC, W. Lee Exelon, B. Knepper			