

ROP Task Force Whitepaper on Timeliness of FAQ Submittals

Issue

Pursuant to NEI 99-02, Revision 6, *Regulatory Assessment Performance Indicator Guideline*, Frequently Asked Questions (FAQ) may be submitted by licensees to the Industry / NRC ROP Working Group for resolving interpretation issues with NEI 99-02 guidance. However, the timeline for licensees to submit FAQs to the Working Group for consideration is not sufficiently defined in NEI 99-02 to ensure consistent implementation within the industry. This lack of clarity could result in an FAQ being submitted well after an issue has been identified that requires interpretation. Delay in the submittal of an FAQ could also result in inaccurate PI quarterly data being reported (either conservatively or non-conservatively) in the INPO Consolidated Data Entry (CDE) database and posted on the NRC ROP website for an extended period of time until the FAQ has been initiated, reviewed and dispositioned.

Background

As stated in NEI 99-02, Appendix E, “The Frequently Asked Question (FAQ) process is the mechanism for resolving interpretation issues with NEI 99-02. FAQs and responses are posted on the NRC Website....They represent NRC approved interpretations of performance indicator guidance and should be treated as an extension of NEI 99-02.” The timeframe for submitting an FAQ once an item requiring interpretation has been identified is loosely described in NEI 99-02 using the terms, “as soon as possible” and “expeditiously.” As these terms are subjective, they may be interpreted differently among licensees regarding the time frame used for initiating and submitting FAQs.

Discussion

To address the need for timeliness when preparing and submitting FAQs to the Industry / NRC ROP Working Group for consideration, additional guidance needs to be incorporated into NEI 99-02 to more clearly define the specific expectations regarding the timing of FAQ submittals following issue identification.

The existing, applicable NEI 99-02 guidance that discusses FAQ submittal timeliness is as follows:

1. Appendix D, *Plant Specific Design Issues*, states on page D-1, lines 7-12: “FAQs should be submitted as soon as possible once the Licensee and resident inspector or region has identified an issue on which there is not agreement. If the Licensee is not sure how to interpret a situation and the quarterly report is due, an FAQ should be submitted and a comment in the PI comment field would be appropriate. It is incumbent on NRC and the Licensee to work expeditiously and cooperatively, sharing concerns, questions and data in order that the issue can be resolved quickly.”
2. Appendix E, *Frequently Asked Questions*, states on page E-1, Section 1, *Issue Identification*, lines 38-40: “FAQs should be submitted as soon as possible once the licensee and resident inspector or region have identified an issue on which there is not agreement.” Page E-2, Section 2, *Expediency, Completeness and Factual Agreement*, lines 6-8, state: “In order for the performance indicators to be a timely element of the ROP, it is incumbent on NRC and the licensee to work expeditiously and cooperatively, sharing concerns, questions and data in order that the issue can be resolved quickly.”

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These two sections require revision to address the timeliness of FAQ submittals. An administrative change is also necessary to clarify that FAQs may be submitted when the licensee and NRC both *agree* that guidance clarification is necessary, not just for disagreements. (Minor editorial changes have also been incorporated.)

Recommended NEI 99-02 Changes

The intent of 99-02 is clear in that an FAQ submittal should occur as promptly after issue identification as possible. Consequently, the recommended changes are simply clarifications to include greater specificity in the guidance. The recommended changes are as follows:

1. Revision of Appendix D of NEI 99-02, page D-1, lines 7-12, is proposed as follows:
FAQs should be submitted as soon as possible, but generally no later than the quarter following identification of the issue requiring interpretation, once the ~~L~~licensee and resident inspector or region ~~has~~ have identified an issue on which there is either ~~not~~ disagreement or where both parties agree that guidance clarification is necessary.
2. Revision of Appendix E of NEI 99-02, page E-1, lines 38-40, is proposed as follows:
FAQs should be submitted as soon as possible, but generally no later than the quarter following identification of the issue requiring interpretation, once the licensee and resident inspector or region have identified an issue on which there is either ~~not~~ disagreement or where both parties agree that guidance clarification is necessary.