



U.S. Nuclear Regulatory Commission Office of Nuclear Reactor Regulation

NRR OFFICE INSTRUCTION

Change Notice

Office Instruction No.: **COM-106, Revision 4**

Office Instruction Title: **Control of Task Interface Agreements**

Effective Date: **January 6, 2014**

Approved By: **Susan Abrahams**

Date Approved: **December 30, 2013**

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Responsible Organization: **NRR/DPR/PLPB**

Summary of Changes: This is Revision 4 of Office Instruction COM-106, "Control of Task Interface Agreements." These revisions reflect process modifications based upon regional feedback through a survey and lessons learned from continued NRR experience.

Training: **None**

ADAMS Accession No.: **ML13300A002**



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NRR OFFICE INSTRUCTION
COM-106, Revision 4

Control of Task Interface Agreements

1. **POLICY**

It is the policy of the Office of Nuclear Reactor Regulation (NRR) to ensure that questions raised by other NRC organizations are resolved in a timely manner and are appropriately communicated to that organization. As such, the Task Interface Agreement (TIA) process is used to address questions or concerns raised within the NRC regarding nuclear reactor safety and the related regulatory and oversight programs. The process should ensure that the concerns are resolved in a timely manner and that the NRR responses are appropriately communicated.

2. **OBJECTIVES**

- To establish what constitutes a TIA.
- To ensure that TIAs are appropriately managed within NRR.
- To ensure that the NRR staff provides appropriate regulatory and technical information in response to TIAs.
- To ensure that the NRR staff provides timely responses to TIAs.
- To provide guidance on how the TIA process works.
- To provide for review and approval of responses to TIAs.
- To ensure effective communication on TIAs, both within NRR and with the requesting organizations.
- To promote consistency in the TIA process.
- To provide effective and consistent communications with the licensee/industry.

3. **BACKGROUND**

A TIA is a request for technical assistance, most often from a regional office, but may also come from another NRC headquarters office. A TIA contains questions on subjects involving regulatory or policy interpretations, specific plant events, or inspection findings. A TIA could also be used to obtain technical assistance on an allegation-related issue. TIAs contain questions on subjects within the scope of NRR's mission and responsibilities. The requesting organization may use a TIA to obtain information on specific plant licensing bases, applicable staff positions, regulatory requirements, NRR technical positions, or the safety or risk significance of particular plant configurations or operating practices.

The procedures specified herein present the means to ensure that (1) the resolution of questions or issues related to potential safety and compliance concerns are appropriately discussed with the requesting organization, (2) the resolution of the questions or issues are appropriately planned and responses are provided in a timely manner, (3) the issues are adequately evaluated, and (4) the conclusions are communicated and documented. These measures will help document NRR staff decisions, ensure compliance with NRC rules and regulations, help ensure that plant facility operations comply with license requirements, and ensure that plants operate in a safe manner.

The goal of the TIA process is to support other NRC organizations in the most efficient and effective manner. As such, TIAs are not intended to replace the routine discussions that take place among NRR staff and other NRC offices. In these routine discussions, the NRC staff exchanges opinions and evaluates plant configurations and operating practices in light of regulatory requirements, staff technical positions, and good engineering practices. Occasionally, however, a more formal communication mechanism is desirable to ensure that a position is documented and that the response from NRR has been reviewed by appropriate technical staff and management.

4. BASIC REQUIREMENTS

TIAs are one of NRR's primary means of supporting other NRC organizations. Accordingly, NRR staff should consider the requesting personnel from regional offices or other NRC organizations to be vital customers. These requests should be treated in the same manner as other primary NRR responsibilities, such as resolving licensing matters and responding to public inquiries.

4.1 Types of TIAs

There are two types of TIAs: Letter Method and Concurrence Method.

Letter Method TIAs are the more "traditional" approach for a requesting organization to receive NRR assistance to resolve technical and regulatory issues.

In short, this process consists of a formal memorandum being sent to NRR with specific questions that the requesting office wishes to have answered. NRR staff then evaluates the issue(s) and responds to the request in a separate memorandum containing the answers to the questions. This memorandum from NRR back to the requesting office becomes the final TIA and is made publicly available (typically).

Concurrence Method TIAs were created as another means for the NRC to establish consistent positions among offices regarding certain technical and regulatory issues. In short, this process consists of the requesting office documenting its technical position on an issue, and then sending this technical position to NRR within a memorandum to request NRR concurrence. If NRR agrees with the position, the appropriate staff simply concurs on the memo, and then this memo from the requesting office—with NRR concurrences—would become the final TIA and be made publicly available (typically). Created with the intention of providing faster resolution of issues, experience has shown this method to work extremely well for some TIAs, but perhaps take longer than the

“traditional” Letter Method for other TIAs. Section 6 of this instruction describes the specific process and considerations for Letter Method TIAs and Section 7 describes the specific process and considerations for Concurrence Method TIAs. Each of these sections is written as a complete and separate process module.

4.2 Communication

The following communication mechanisms are strongly encouraged to be implemented to help ensure clear and effective communication amongst all involved parties on the status of TIAs.

4.2.1 Monthly Status Call with each Regional Office

The vast majority of TIAs originate from the regional offices. Therefore, conducting a routine status call every month to separately engage each regional office helps ensure a clear understanding of the status of any TIAs from that region. The TIA Program Manager (PM) should set up, coordinate, and lead these calls. All NRR and regional staff involved with an active TIA should be invited to the call, including branch chiefs and Operation Experience (OpE) Functional Area contacts. The Division of Operating Reactor Licensing (DORL) Project Manager (PM), the NRR Enforcement Coordinator, the Generic Communications Branch Chief, and the Office of Nuclear Regulatory Research (RES) Operating Experience Branch Chief should be copied on the meeting request for awareness.

4.2.2 Biweekly TIA Status Report

Every two weeks the TIA PM should prepare a TIA status report detailing the status of all active and pending TIAs. This report should be emailed to the Division of Policy and Rulemaking (DPR) division management and the Licensing Processes Branch (PLPB) branch chief. One copy should be emailed to the TIA Distribution list (RidsNrrTIA_Distribution@nrc.gov), which should contain all directors and deputies of the Division of Reactor Projects and Division of Reactor Safety from all four regions. Further, the distribution should contain regional contacts for the TIAs that are active at that time, as well as any other individuals who wish to be on distribution for the report.

The report should be sent a day or two prior to the ROP [Reactor Oversight Process] Headquarters & Regional Directors biweekly counterpart conference call, led by the Director of the Division of Inspection and Regional Support (DIRS). Distribution in advance of this call provides an opportunity to review the report and prepare any TIA status questions for the counterpart call.

4.2.3 TIA Library on SharePoint

The TIA PM shall maintain a log of completed and active TIAs on the PLPB SharePoint site. This site serves as a historical reference library of completed

TIAAs as well as a passive means of communicating the status of active TIAAs. The site can be accessed at:

<http://portal.nrc.gov/edo/nrr/dpr/plpb/Lists/TIA%20Log/AllItems.aspx>

4.2.4 Operating Experience Branch Communications

The TIA PM shall include the DIRS OpE Functional Area Contact on Regional TIA communications. When a new TIA is initiated, the TIA PM will forward a synopsis of the issue to the OpE Clearinghouse for generic applicability screening. The TIA PM will provide a brief TIA update (including conclusions) to DIRS to be included in the Quarterly Inspector Newsletter.

5. **ACTIVITIES PRIOR TO FORMAL TIA PROCESS**

5.1 **Initial Discussions on Potential TIAAs**

The requesting organization shall engage NRR staff and the TIA PM in discussion on any potential TIA before sending a formal TIA request. The purpose of these discussions is to gain a mutual understanding of the issue(s), to explore whether or not a TIA is appropriate and/or the most efficient and effective means of addressing the questions or concerns (specific TIA acceptance criteria are listed in Appendix A), and to discuss the general TIA process, including what type of TIA (Letter Method vs. Concurrence Method) might be most appropriate.

When it becomes apparent that a technical issue might warrant a TIA, the requesting organization should contact the TIA PM, who will then contact the appropriate NRR technical branch chiefs, as well as the DORL PM for any issues that are plant-specific. In many cases, NRR technical staff and/or the DORL PM and OpE Functional Area contact may have already been involved in discussions with the requesting office before it became apparent that a TIA may be necessary; in such cases, the TIA PM should be informed and should be included in the next discussion to address TIA process issues. The requesting office and the NRR staff, using the TIA acceptance criteria, should weigh the complexity, significance, and necessity of a formal TIA in order to direct the technical issue into the most efficient process for resolution (e.g., phone call, email, or official TIA). During these discussions, the TIA PM and the applicable NRR technical staff will also help the requesting organization to craft the TIA questions (if Letter Method) or structure a Concurrence Method TIA.

The requesting office, NRR staff, and TIA PM should discuss and decide which TIA method to use. In this initial discussion, the TIA PM, NRR staff, and the requesting office should establish a schedule with target dates. If the request is related to certain inspection issues that need to be resolved expeditiously, the office requesting NRR assistance will need the response as quickly as possible. The Letter Method should be used unless the requesting office is clear and aligned on the position for which they seek NRR concurrence, in which case the Concurrence Method may be used. If there are any questions to be requested for NRR to answer, then the Concurrence Method is not appropriate. The

Concurrence Method puts the onus on the requesting office to fully research the issue, and support the conclusion(s) with appropriate regulatory and/or technical analysis for the NRR staff to consider. This is why the Concurrence Method can be faster than the Letter Method, as the requesting office has already done most of the work and therefore it is not as resource-intensive for NRR. This does not mean that NRR will not independently analyze or assess the issue(s), nor does it mean that verbal or informal concurrence must first be obtained from NRR. It simply means that if/when NRR does concur, then the TIA is already complete in all material respects and no further action is required by the NRR staff. Should the NRR staff disagree with the requesting office's position, then the process already has steps in place to handle that type of situation (see Section 7.3.2).

5.2 Search for Precedent TIAs and Previous Staff Positions

When contacted about a proposed TIA, the TIA PM and associated NRR technical staff should conduct a search to ensure that the particular issue has not already been addressed. Searching for and identifying precedent staff positions may preclude the need for a TIA or other staff action. This would therefore help save resources and ensure consistency of agency positions.

Per LIC-202, "Procedures for Managing Plant-Specific Backfits and 50.54(f) Information Requests," and in accordance with the backfit rule, previous staff positions may be located in standard review plans, branch technical positions, regulatory guides, generic letters, and bulletins, etc. Other useful precedent searches may include the use of the Agencywide Documents Access and Management System (ADAMS), the OpE Information Gateway on the Internal NRC Home Page, Inspection Manual guidance, or other NRC documents. Licensee documents such as Final Safety Analysis Reports and responses to violations may provide additional insights on how a licensee addressed an applicable NRC staff position.

Even if a staff position already exists, the fact that a question was raised may indicate that a position or policy is not well understood. Accordingly, the NRC staff should consider the following options for restating a previously documented position:

- Issue a Regulatory Issue Summary.
- Redistribute the documentation of the position or policy.
- Send a reminder via email to regional counterparts.
- Incorporate the existing position or policy into higher level documents that normally contain applicable NRC staff positions.

5.3 Generic Issue Screening

The TIA PM and associated NRR technical staff should review the TIA for generic implications. If the issue is identified as having generic implications, the involved staff should promptly meet to discuss whether the requesting office still holds a

need for a plant-specific TIA response, or whether the issue would be better suited for another process or generic communication.

A generic issue is a regulatory matter that meets all of the following seven criteria:

- Has significant implications for public health and safety,
- Applies to two or more facilities,
- Is not readily addressable through other established regulatory processes,
- Can be resolved by regulation, policy, or guidance,
- Risk or safety significance can be adequately determined or estimated,
- Is well defined, discrete, technical, and
- May involve review, analysis, or action by the licensee.

6. LETTER METHOD TIA PROCESS

6.1 TIA Conference Call and Submittal

6.1.1 Draft TIA Request

The requesting organization shall provide its draft TIA request to the TIA PM prior to formal submission, regardless of the extent and nature of initial discussions on potential TIAs. The draft submittal should be approved by the requesting organization's Deputy Division Director or designee. While there are no specific format requirements, the draft should include sections describing the background, licensee position, regulatory and technical issues, the questions/actions being asked of NRR, and references. When adding a TIA request to ADAMS, a title of the following format should be used: Draft TIA: (Plant or Subject under Review), Issue. This title helps for searching the document in ADAMS.

6.1.2 Conference Call

Once the requesting office has provided its draft TIA request to the TIA PM, the TIA PM will set up a conference call to ensure alignment between the requesting organization and the appropriate NRR staff before formal submission. The conference call should be held within one week of NRR's receipt of the draft TIA request, or another mutually agreed upon time if scheduling conflicts exist. The purpose of this call is to discuss the technical issues, the specific questions to be resolved, determine whether the proposed TIA should be submitted, establish the scope and depth of NRR's response, determine the resources and priority, and negotiate the target dates for NRR's responses (draft and final). These discussions may eliminate the need for a TIA or identify areas of the draft that need clarification. For example, the NRR staff may ask for the questions to be rephrased with the end goal of providing a more focused and meaningful response. If the NRR staff identifies that additional information would be needed from the requesting office or a licensee to support the decision making, then the TIA should not be accepted until this information is available, unless it is otherwise mutually agreed to obtain the information during the NRR review.

The TIA acceptance criteria and alternatives to the TIA process described in Appendix A should be discussed to ensure that utilization of the TIA process is

appropriate for the issue(s) at hand. If an issue is resolved without formal documentation, the involved staff should consider whether a memorandum to file should be prepared to document the internal discussions and resolution.

The NRR participants in the conference call should include the TIA PM (DPR/PLPB), the PLPB Branch Chief, and appropriate technical staff (reviewer(s) and/or their Branch Chief(s)). If the TIA is generated by a region for a plant-specific issue, the DORL plant PM should be notified in advance of the call and may attend. The requesting organization participants should include the applicable technical/inspection staff and their Branch Chief(s). Deputy Division Directors, while responsible for signature authority on formal TIA correspondence, are not required to participate. The requesting organization's Deputy Division Director should have already reviewed or been briefed on the draft TIA. The NRR/DPR Deputy Division Director, if not participating on the call, should be briefed on the TIA and his/her comments, if any, addressed. The DIRS OpE Functional Area Contact and Branch Chief, the NRR Enforcement Coordinator, the Generic Communications Branch Chief, and the RES OpE Branch Chief should be copied for awareness.

The NRR staff must control and prioritize its activities and will include those considerations when negotiating target response dates. The NRR staff will give special attention to the following when considering priority:

- Questions involving significant safety issues (e.g., potential greater than green findings).
- Issues that could involve the loss of power production (i.e., a plant shutdown, derating, or delay in startup).
- Issues related to an allegation, regardless of the risk or safety significance. (See Section 8 of this document for more specific guidance on allegation-related TIAs).
- TIAs involving contested violations, inspection findings, and/or unresolved items (URIs).
- Issues where uncertainties or conflicting views are adversely affecting the public's confidence in the regulatory process.

The call should also discuss if there are any restraints on discussing the issues with licensees or other external stakeholders. These restraints on licensee contact include allegation related issues and other pre-decisional concerns. The call should also discuss if the final TIA response can be released to the public. It is NRR's policy to make all final TIAs publicly available unless there is a justifiable reason for withholding (e.g., proprietary information). Normally, final TIA responses will be released to the public within 1 week of signature. If immediate release or other timing considerations are desired, those can be discussed on this call or delayed until NRR has provided its draft response to the requesting organization.

The call should also address any potential circumstances which would warrant legal counsel from Office of the General Counsel (OGC).

Upon conclusion of the call, if mutual agreement on the draft TIA is achieved, the requesting organization should make any agreed upon changes to the TIA request and have their Deputy Division Director sign it as the means of officially submitting it to NRR for review. If significant changes were needed based on the call, the NRR staff may request to see the revised draft and conduct a second conference call before it is officially submitted.

If the NRR staff should conclude that a TIA is not necessary or appropriate, or that the TIA should fall under the Concurrence Method instead of the Letter Method, the requesting organization may appeal the NRR staff's decision by directly contacting the Deputy Division Director of DPR by telephone or email.

6.1.3 Final Submittal of TIA Request

The final TIA request should be addressed to the Deputy Division Director of DPR with a copy to the PLPB Branch Chief, the TIA PM, and the DORL plant PM (if applicable).

The TIA request should be profiled in ADAMS as non-public. The TIA process engages the affected licensee(s) before a final TIA goes public (see Section 6.4.3), and if issues need to be addressed generically then it provides a nexus for that as well (see Section 6.5.1). However, non-public TIA requests may still be subject to public disclosure under FOIA (see Management Directive 3.1).

6.1.4 Informing the Licensee

Once the TIA has been accepted into the process, the requesting office/region will schedule a call with the licensee to inform them the TIA process has been initiated. The call should include a brief description of the issue, if the TIA is associated with an URI stemming from an inspection and the preliminary targets for completion. The requesting office/region will provide a memo to the TIA PM documenting this call and provide the licensee contact name, title and phone number.

6.2 Work Planning

This section describes the TIA PM's responsibilities for scheduling and coordinating the TIA review within NRR. If, during the review, the schedule for responding to a TIA needs to be revised, the change must be coordinated with the requesting organization. The TIA PM should follow these work planning steps:

- (1) Ensure that the written TIA request (including the technical issue, target response dates, and questions) is consistent with previous discussions. If the TIA is not consistent, then the TIA PM and PLPB Branch Chief will consult the Deputy Division Director of DPR to determine the next action(s).

- (2) Assign TIA number.
- (3) Obtain a Technical Assignment Control (TAC) number through the Time, Resource, and Inventory Management (TRIM) program. The TAC number should be profiled as follows:

“Docket Related,” Activity Type “RA,” then select “Rx Lic – other licensing tasks – TIAs for power reactors – not fee billable.”
- (4) Prepare a work request form in accordance with the Center for Planning and Analysis process to achieve and document mutually agreed upon milestone deadlines consistent with the target dates discussed during the TIA conference call (see Section 6.1.2). These target dates should have already accounted for the complexity, safety significance, and other priority considerations of the issue(s) as described in Section 6.1.2. They are noted, along with the responsible staff for the action, on the Biweekly Status Report.
- (5) Coordinate the TIA review with other organizations besides the NRR technical branches that may need to be involved. The Office of Enforcement (OE), or NRR’s Enforcement Coordinator may be needed if the TIA response is likely to conclude that a licensee practice was not appropriate and may result in an enforcement action. Further, OGC may need to provide attorney-client legal advice and a “No Legal Objection” on issues that involve interpretations of policy or regulatory requirements. Note that OGC should only be engaged when necessary and may still choose not to provide a “No Legal Objection” determination. In such case, the TIA PM should document any OGC guidance received in a memorandum to file.

6.3 Conducting the Technical Review

When evaluating the TIA questions, NRR staff should consider, as applicable: related existing NRC staff positions (if any exist), the plant’s licensing basis, licensing history, and the likely risk significance of the issue(s) if not previously well understood. The staff should also consider whether any potential issues, such as generic issues, might arise during the TIA process. The TIA PM should help identify these as well.

During the NRR technical review, the TIA PM is responsible for communication and project support for both the requesting office and the NRR technical staff. As such, the TIA PM should either coordinate or be kept apprised of any communication or project developments.

Additionally, the TIA PM will support Requests for Additional Information (RAIs), if necessary. The need for RAIs should be minimized by ensuring appropriate background and reference information is identified during pre-submittal discussions.

In addition to the routine monthly status call described in Section 4.2.1, the TIA PM will arrange for conference calls as needed throughout the technical review to keep the requesting organization informed of developments in the review and to facilitate any necessary exchange of information.

6.3.1 Stakeholder Interactions

The requesting organization and NRR staff should determine the need for any interaction with licensees and/or other external stakeholders during NRR's development of a response (including the role of the requesting office during such interactions). If needed to ensure clear, accurate, and complete information, interactions with licensees are allowed unless there is a clear reason to keep the issue(s) internal (e.g., TIAs related to allegations).

Verbal Interaction

If a licensee or other external stakeholder is to be contacted to obtain additional information relevant to the review, the issue shall be discussed with the requesting organization to ensure that the NRR staff and requesting organization are aligned before discussions are initiated. These discussions are probably most easily accomplished via conference call and do not need to be held as public meetings since TIAs are not licensing or enforcement processes. However, the nature of the discussions should focus purely on information exchange or clarification rather than regulatory or enforcement debate, and no decisions or agreements should be made (otherwise the meeting must be public). The TIA PM shall document the discussion in a note to file. If information obtained during one of these discussions is used to support NRR's TIA response, then either the information shall be cited in the TIA response or the TIA PM's note to file that contains the information shall be placed in ADAMS and made publicly available.

Written Interaction (RAIs)

On occasion, the NRR staff or requesting office may need additional information from the subject of review that is best obtained in writing. In such cases, the staff requesting the additional information shall provide its RAIs to the TIA PM. The TIA PM shall then work with the DORL PM, OpE Functional Area Contact (for plant-specific TIAs), or requesting office to issue the RAIs. Similar RAIs to more than one licensee (one nuclear plant), should be considered for generic implications (Section 5.3). This also implies that the TIA process may not be appropriate to resolve the issue. Because RAIs and other written correspondence from NRR to individual licensees are predominately issued through DORL, RAIs for TIA reviews should also be issued through the DORL PM for consistency. The DORL PM or requesting office shall ensure that the TIA PM is on concurrence before issuing the RAIs, and the TIA PM should also ensure that the requesting organization is aware that RAIs are being sent.

RAIs for TIAs related to licensees are unique compared to RAIs for license amendment requests because the information requested will be used to answer a

TIA, not to provide a “product” to a licensee. From this perspective, a licensee could be reluctant in answering TIA RAIs. However, despite the reluctance, RAI answers are needed as they are often used as a basis to close an URI from a regional inspection. To help facilitate obtaining the response, RAIs should be provided to the licensee with a requested due date.

6.3.2 Exit Path for issues impossible or impractical to resolve through TIA Process

In rare circumstances, it may become apparent during the TIA review that the issues raised in a TIA become impossible or impractical to address through the TIA process. These situations should be largely prevented by proper screening of the issues against the TIA Acceptance Criteria in Appendix A. However if, for example, the NRR review reveals a deeper issue that may need to be addressed via rulemaking or the generic safety issues process before an adequate answer can be determined or a voluntary licensee submittal resolves the issue(s) through the licensing process, the TIA process may be impractical for resolving the issue(s).

For any of these or other circumstances, if a TIA under review becomes dependent on the new process for closure, then the following exit path strategy should be considered. NRR and the requesting office should discuss the case-specific circumstances to discontinue the TIA review and have a mutual understanding of NRR’s intention and basis for using this exit path strategy. It’s possible that only portions of the TIA may need to be resolved through an alternate process and that the other portions could still be answered through the TIA process. Such considerations should be discussed and agreed upon before taking action. Other considerations may include the immediate safety significance of the issue(s) and/or the regulatory functions (e.g., enforcement) expected to result from the TIA review that may be impacted by using this exit path process. As warranted, alternate actions should be agreed upon to address such considerations.

The exit path strategy should not be used as a routine process or as a means to circumvent the normal TIA process. It’s only intended to be used when a TIA review cannot move forward on its own until another process is completed.

Process

If circumstances arise that renders final resolution of an issue through the TIA process impossible or impractical, then the TIA PM shall prepare a memo to the requesting organization describing the circumstances and follow-on actions. This memo should follow the same concurrence chain as a normal TIA response would, but it should be profiled as non-public.

Next, the TIA PM shall relocate the TIA from the “open” to “pending” list on the biweekly TIA status report. The TIA PM shall then close the TAC(s) associated with the TIA. Both of these actions ensure that the TIA issues will continue to be tracked but will stop the TIA metric clock.

Once the TIA issues are finally resolved by the alternate process (See Appendix A for various alternate process), the TIA PM shall prepare another simple memo to the requesting office stating that the issue was resolved by another means, that the TIA is now considered closed, and the appropriate document(s) that provided final resolution shall be referenced. The memorandum shall have the same concurrence chain as a normal TIA response would, and it should be made publicly available. The TIA PM will then move the TIA from the “pending” list to the “closed” list on the biweekly status report and update the TIA SharePoint site accordingly.

If it is discovered that the alternate process is unable to effectively resolve the issue(s), then the TIA may need to be reopened. If this is necessary, the TIA PM should hold a meeting to re-launch the TIA review and gain alignment amongst all appropriate staff from NRR and the requesting office on a new timeline and expected product. A new TAC should then be taken out to support the work. This potential circumstance is why TIAs that follow the exit path strategy are kept on the “pending” list; a TIA shall never be considered closed until its issues are resolved, regardless of the process used to bring final resolution.

6.4 TIA Response

Responding to a TIA is a two phase process. The first phase is for NRR to issue a draft TIA response to the requesting office for comment. Once the comments, if any, are resolved, the second phase is for NRR to issue the final TIA response, which then concludes the TIA process. The draft TIA response should therefore address all the questions raised in the TIA and be complete in all material respects. It is during the draft response stage that the requesting office and NRR collectively engage the affected licensee(s) about the pending result of the TIA before issuing it as final. This is discussed in more detail in the following sections.

6.4.1 Draft TIA Response

Once the appropriate technical branch(es) have completed their review of a TIA, their input(s) to the TIA response shall be provided to the TIA PM and the PLPB Branch Chief. The TIA PM will then incorporate the input(s) into a draft TIA response memorandum. The memorandum should be from the DPR Deputy Director to the signatory from the original TIA request (or successor, as appropriate).

The draft TIA response memorandum has no strict formatting requirements, but should generally contain sections such as background, licensee position, regulatory and/or technical evaluation, conclusion, potential outcome paths, and references. The section describing potential outcome paths will outline a measured NRC response commensurate with the safety significance of the issue, address “old design issues” (as they relate to TIAs) and include discussion regarding enforcement discretion. When added to ADAMS, the title should have the following format: Draft TIA Response, (Plant or Subject under Review), Issue.

The answers to the TIA questions are best included within a regulatory or technical evaluation section. The TIA should be screened again for generic applicability at this time.

The draft TIA response memorandum shall then be circulated by the TIA PM to obtain NRR concurrences. This ensures that the NRR staff has reached internal agreement on the resolution of the TIA questions before providing it to the requesting office for comment. At minimum, the required concurrences shall include the Branch Chiefs from all technical branches involved with the review, the TIA PM, the PLPB Branch Chief, respective Division Directors, and the DPR Deputy Director. The draft response should also be concurred on by NRR's enforcement specialist and/or OGC (offering "No Legal Objection", rather than concurrence), as necessary, before providing to the requesting office. For plant specific TIAs, concurrence by the DORL PM or DORL Branch Chief is not required, however the TIA PM should place the DORL PM and OpE Functional Area contact on distribution for the draft response to provide an opportunity for comment. Distribution should also include all four regional offices, RES, the Office of New Reactors (NRO), as well as other NRC organizations and record management systems in accordance with standard document control policies.

Once NRR concurrence is complete, management briefings will be held to discuss proposed response (NRR and regional, as appropriate).

6.4.2 Comment Period for Requesting Office

Once concurrence is complete, the DPR Deputy Director should sign the draft response memorandum to formally issue it to the requesting office for comment. The memorandum should request that comments be received within 10 working days (two calendar weeks). The requesting office should work with the TIA PM if more time is needed. The requesting office's comments, if any, can be informally emailed to the TIA PM rather than responding via formal memorandum.

Once the TIA PM receives the requesting organization's comments, he/she will forward them to the technical staff for review, as well as the enforcement specialist and/or OGC, as appropriate. Collectively, the NRR staff and TIA PM will disposition the comments; if some comments are not accepted for incorporation into the final TIA response, the TIA PM will coordinate discussion of the disagreement with the requesting office. Depending on the nature and substance of the comment(s) in question, this could be accomplished via email but may require a conference call with the requesting office. If the points of disagreement cannot be mutually resolved (using 30 calendar days, as an estimate), then the requesting office shall have the option to non-concur on the final TIA response, but the response shall ultimately contain what the NRR staff believes to be correct.

6.4.3 TIA Exit Call

Once all technical comments on the draft TIA are addressed and the requesting office/region has reviewed the draft TIA with any comments addressed and

concurrent on by the technical branch(es) in NRR, the requesting office/region will schedule a call to inform the licensee of the potential response and outcome before the final response is signed out.

The purpose of the discussion with an affected licensee is not to have a technical debate, but rather to ensure that the NRR staff has considered all relevant information in arriving at its conclusion and that the licensee is aware of the situation. These discussions do not need to be public, and as such, they shall not confer on any regulatory or enforcement decisions. The discussion should result in mutual understanding of the issue(s) and the NRR staff's conclusions as they will be documented in the TIA response. In cases where the TIA response is particularly long and/or technically dense, detailed discussions should be provided to allow licensee personnel to fully understand the technical analysis and impact.

6.4.4 Final TIA Response

After the requesting office/region comments have been reviewed and the TIA Exit Call held, the TIA PM will circulate the final TIA response for final concurrence and signature. The DPR Deputy Director will sign out the final TIA response as a separate and distinct memo. The distribution should be the same as the draft response.

The final TIA response shall be profiled as publicly available in ADAMS, unless reasons exist to keep it non-public (e.g., proprietary or other sensitive information). If there is a reason to keep the final response non-public, the staff involved should discuss whether or not it is appropriate to create a redacted version for public release. When added to ADAMS, the title should have the following format: Final TIA Response, (Plant or Subject under Review), Issue.

The timing of public release of a final TIA should default to the "normal release" option; this means that the document is not released publically until six working days after it is signed. The TIA PM can work with the requesting office to support either a sooner or later release date if warranted.

6.5 Potential Outcomes

While it is impossible to predict all possible outcomes of the TIA process, experience with the process has shown three outcomes that have the most impact.

6.5.1 Generic Implications

The original input(s) from the technical branch(es) for the draft response should include an assessment of whether or not any or all of the issues in the TIA may have generic implications. The TIA PM should independently assess this as well. If potential generic implications exist, the TIA PM shall take action when identified to create a yellow ticket assigned to the appropriate technical divisions, as well as DPR (for the Generic Communications Branch (PGCB)) and DIRS (for the Operating Experience Branch (IOEB) and/or the Reactor Inspection Branch (IRIB))

to evaluate the potential need for further generic action or communication. Either a justification for taking no further action, or, a decision to address the issue(s) generically by creating a new action under a different process, is necessary to close the yellow ticket. The TIA response itself should answer only the specific questions asked in the TIA request so as not to circumvent other processes that are meant to address issues generically (even though the TIA response may have obvious generic implications).

6.5.2 Backfit Considerations

In developing responses to TIAs, the NRR staff should be sensitive to backfit concerns. If the NRR staff's response to a TIA can reasonably be viewed as either new or different from a previously applicable staff position, the TIA PM and the NRR technical staff shall consult LIC-202, "Procedures for Managing Plant-Specific Backfits and 50.54(f) Information Requests," and LIC-400, "Procedures for Controlling the Development of New and Revised Generic Requirements for Power Reactor Licensees," for additional guidance. If it is determined that a TIA response likely would constitute a backfit if applied to a licensee, then the TIA response should indicate that and *could* address what might be the likely outcome of a backfit evaluation or backfit analysis, as applicable. Additional discussions with the requesting office, as well as OGC and/or NRR's enforcement specialists, can then help determine if the formal backfit process should be initiated. Ultimately, the regulatory function of backfitting and its associated activities are outside the scope of the TIA process, and should not affect the final issuance of a TIA as long as the response addresses backfitting implications, if they are applicable.

6.5.3 Enforcement Discretion

While there are no specific format requirements for providing the TIA response, the staff should include a section describing potential outcome paths for the region or requesting office to consider following the issuance of the TIA. This section will outline a measured NRC response commensurate with the safety significance of the issue, address "old design issues" (as they relate to TIAs), and include discussion regarding enforcement discretion.

The NRC Enforcement Policy (Policy) and Enforcement Manual (Manual) provide information on potential paths for enforcement discretion, including interim enforcement policies (IEPs), enforcement guidance memoranda (EGMs), and discretion granted on a case-by-case basis. The Policy and Manual also provide information on enforcement discretion related to "old design issues". If the staff believes the use of discretion is appropriate, excluding cases involving NOEDs, consultation with OE should occur early on in the process. For specific guidance related to NOEDs, please reference the Manual and IMC0410. The Policy is located at <http://pbadupws.nrc.gov/docs/ML1322/ML13228A199.pdf>. The Manual is located at <http://pbadupws.nrc.gov/docs/ML1026/ML102630150.pdf>. The staff should note additional information on enforcement discretion is also provided on the NRC website as guidance.

7. CONCURRENCE METHOD TIA PROCESS

7.1 TIA Conference Call and Submittal

7.1.1 Draft TIA

The requesting organization shall provide its draft TIA to the TIA PM prior to submitting for NRR concurrence, regardless of the extent and nature of initial discussions on potential TIAs. This allows the TIA PM and NRR staff to ensure that the draft is appropriate for the Concurrence Method process and sufficiently ready for a concurrence review. The draft TIA should be approved by the requesting organization's Deputy Division Director or designee.

While there are no specific format requirements, the draft should include sections describing the background, licensee position, regulatory and technical analysis, references, conclusion(s), potential outcome paths, and references. The section describing potential outcome paths will outline a measured NRC response commensurate with the safety significance of the issue, address "old design issues" (as they relate to TIAs), and include discussion regarding enforcement discretion. The draft should not contain any questions or requests for additional analysis by NRR, otherwise the Letter Method should be used. When added to ADAMS, the title should have the following format: Draft TIA, (Plant or Subject under Review), Issue.

7.1.2 Conference Call

Once the requesting office has provided its draft TIA to the TIA PM, the TIA PM will set up a conference call to ensure alignment between the requesting organization and the appropriate NRR staff before the TIA is formally submitted to NRR for concurrence.

The conference call should be held within one week of NRR's receipt of the draft TIA, or another mutually agreed upon time if scheduling conflicts exist. The purpose of this call is to discuss the technical issues, determine whether the proposed TIA should be submitted under the Concurrence Method as intended, determine if the content is complete and adequate for review, and discuss process-related issues. These discussions may eliminate the need for a TIA altogether or cause a switch to the Letter Method process.

The TIA acceptance criteria and alternatives to the TIA process described in Appendix A should be discussed to ensure that utilization of the TIA process is appropriate for the issue(s) at hand. If an issue is resolved without formal documentation, the involved staff should consider whether a memorandum to file should be prepared to document the internal discussions and resolution.

The NRR participants in the conference call should include the TIA PM (DPR/PLPB), the PLPB Branch Chief, and appropriate technical staff (reviewer(s) and/or their Branch Chief(s)). If the TIA is generated by a region for a plant-specific issue, the DORL plant PM should be notified in advance of the call and

may attend. The requesting organization participants should include the applicable technical/inspection staff and their Branch Chief(s). Deputy Division Directors, while responsible for signature authority on formal TIA correspondence, are not required to participate. The requesting organization's Deputy Division Director should have already reviewed or been briefed on the draft TIA. The NRR/DPR Deputy Director, if not participating on the call, should be briefed on the TIA and his/her comments, if any, addressed. The DIRS OpE Functional Area Contact and Branch Chief, the NRR Enforcement Coordinator, the PGCB Branch Chief, and the RES OpE Branch Chief should be copied for awareness.

The call should also discuss if there are any restraints on discussing the issues with licensees or other external stakeholders and discuss if the final TIA can be released to the public. It is NRR's policy to make all final TIAs publicly available unless there is a justifiable reason for withholding (e.g., proprietary information). Normally, final TIAs should be released to the public within one week of final signature. If immediate release or other timing considerations are desired, those can be discussed on this call or after NRR has provided concurrence.

The call should also address any potential circumstances which would warrant legal counsel from OGC.

Upon conclusion of the call, if mutual agreement on the draft TIA is achieved, the requesting organization should make any agreed upon changes to the TIA and process it through the initial round of regional concurrence, including concurrence (but not signature) by the regional Deputy Division Director. If significant changes were needed based on the call, the NRR staff may request to see the revised draft and conduct a second conference call before it is officially submitted for NRR concurrence. However, a cycle of making revisions, holding another call, making more revisions, etc., should be limited in iterations and not continue for a prolonged period of time. If this occurs, it likely means that either the Letter Method should be pursued instead, or NRR will need to write a memorandum that disagrees with the requesting office's submittal (see Section 7.3.2)

If the NRR staff should conclude that a TIA is not necessary or appropriate at all, or that the TIA should fall under the Letter Method instead of the Concurrence Method, the requesting organization may appeal the NRR staff's decision by directly contacting the Deputy Director of DPR by telephone or email.

7.1.3 Submittal for NRR Concurrence

To submit the TIA for NRR concurrence, the lead regional contact must first obtain concurrence from the appropriate regional inspection staff, Branch Chief(s), and Deputy Division Director. The TIA should be a memorandum from the Deputy Division Director of the requesting office to the Deputy Director of DPR. The regional Deputy Division Director should be listed twice on the concurrence block; once for this "front-end" concurrence, and then also as the last concurrence block, which would come after the NRR concurrence blocks. This final concurrence block is meant for the very end of the process when the regional Deputy Division Director will sign out the final document following completion of all NRR

concurrences. Therefore, the regional Deputy Division Director should only concur in the first block, and not yet sign, the TIA when submitting it for NRR concurrence.

The lead regional contact should work with the TIA PM to identify the specific NRR staff concurrences that should be listed on the concurrence block (including the TIA PM, PLPB Branch Chief, and Branch Chiefs of all technical branches that will be involved, as well as the associated NRR Division Directors and Deputy Director of DPR. Once all regional concurrences have been obtained, the lead regional contact should send an email to the TIA PM with the TIA attached and officially request NRR concurrence in the text of the email. This email will serve to start the 30-day concurrence clock for NRR. All regional and NRR staff listed on concurrence for the TIA should also be copied on the email, as well as other staff engaged with the TIA.

7.1.4 Informing the Licensee

Once the TIA has been accepted into the process, the requesting office/region will schedule a call with the licensee to inform them the TIA process has been initiated. The call should include a brief description of the issue, if the TIA is associated with an URI stemming from an inspection and the preliminary targets for completion. The requesting office/region will provide a memo to the TIA PM documenting this call and provide the licensee contact name, title and phone number.

7.2 Work Planning

Once the concurrence request email is received, it is the TIA PM's responsibility to coordinate and obtain all necessary NRR concurrences. The TIA PM should follow these work planning steps:

- (1) Ensure that the written TIA request is consistent with previous discussions and drafts. If the TIA is not consistent, then the TIA PM and PLPB Branch Chief will consult the Deputy Director of DPR to determine the next action(s).
- (2) Assign TIA number.
- (3) Obtain a TAC number through the TRIM program. The TAC number should be profiled as follows:

"Docket Related," Activity Type "RA," then select "Rx Lic – other licensing tasks – TIAs for power reactors – not fee billable."
- (4) Prepare a work request form in accordance with the Center for Planning and Analysis process. A 15-20 calendar day deadline should be entered for all technical branches to provide concurrence. This allows the TIA PM sufficient time to afterward obtain concurrence from the PLPB Branch Chief, affected NRR Branch Chiefs and Division Directors, as well as the

DPR Deputy Director and still meet the 30 calendar day goal for providing all concurrences back to the requesting office. A note should be added to the work request that the RAI milestone on the form should not be applicable for Concurrence Method TIAs (see Section 7.3.3). It is recommended that the TIA PM circulate the TIA to the technical branches for parallel concurrence.

- (5) Coordinate TIA concurrence with other organizations besides the NRR technical branches if necessary. The OE or NRR's Enforcement Coordinator, may be needed if the TIA concludes that a licensee practice was not appropriate and may result in a region taking enforcement action. Further, OGC may need to provide attorney-client legal advice and a "No Legal Objection" on issues that involve interpretations of policy or regulatory requirements. Note that OGC should only be engaged when necessary and may still choose not to provide a "No Legal Objection" determination. In such case, the TIA PM should document any OGC guidance received in a memorandum to file.

7.3 Conducting the Technical Review

NRR technical staff should independently evaluate the issue(s) raised in the TIA during their concurrence review. In addition to the information cited in the TIA to support the conclusion, the staff should evaluate, as applicable: any related existing NRC staff positions, the plant's licensing basis, licensing history, and any other documents that might have bearing on the issue(s). The staff should also consider whether any potential generic implications and/or backfit issues might exist. The TIA PM should help identify these as well. Once the NRR review is complete, management briefings will be held to discuss proposed response (NRR and regional, as appropriate).

Concurrences shall be obtained and provided back to the requesting office within 30 calendar days of receipt of the email formally requesting concurrence. If this schedule cannot be met, the TIA PM shall inform the requesting organization and provide a justifiable reason, as well as a new estimate for completion.

7.3.1 When NRR agrees with TIA

When the NRR staff substantially agrees with the position taken in the TIA, the NRR staff should provide their concurrence along with any comments or edits to the TIA PM. The TIA PM will compile all of the comments in order to present the requesting office with a comprehensive list of comments or a redline strikeout version of the TIA containing the comments (see Section 7.4.1).

The NRR staff's comments should not attempt to reverse or significantly change the conclusion, nor should the NRR staff try to significantly rewrite any portions of the TIA. If the TIA is not substantially acceptable for concurrence as written, then the process in Section 7.3.2 should be entered as soon as the NRR staff makes this determination. This prevents the NRR staff from expending unplanned

resources to rework the TIA, which would likely result in failing to meet the 30-day concurrence goal. Furthermore, significant revisions by the NRR staff may not be mutually acceptable to the requesting office, thus resulting in a concurrence stalemate with no clear path forward.

7.3.2 When NRR disagrees with TIA

If the NRR staff intends to disagree with the position taken in the TIA, then the TIA PM will schedule a conference call with the requesting office and NRR staff to discuss the reason(s) for disagreement. The NRR staff will then prepare a memorandum response (similar to the Letter Method) that clearly states the NRR staff's position. Because of the increased work required for this action, the goal is to issue such response within 90 calendar days of receipt of the TIA.

If attached, the requesting office's original TIA should be marked "draft" since it was never finalized as an official record due to the absence of NRR concurrences.

Since the draft concurrence method TIA was never finalized as an official record due to the absence of NRR concurrences, both it and the NRR response shall be profiled in ADAMS as non-public. The NRR response memorandum, with or without the original TIA attached, will serve as the final TIA and be made public.

It should be noted that a disagreement with the requesting office's position from a single NRR staff member, rather than a consensus disagreement from all NRR staff on concurrence, should follow the normal non-concurrence process and not result in production of a separate NRR memorandum.

7.3.3 Stakeholder Interactions

Because the Concurrence Method should only be used when the requesting organization has fully researched the issue(s) and justified their conclusion(s), stakeholder interactions during the NRR concurrence phase should be rare. However, if interaction with a licensee or other stakeholder is deemed necessary, the interactions should be limited to ensuring the NRC staff has clear, accurate, and complete information.

Verbal Interaction

If a licensee or other external stakeholder is to be contacted, the issue shall be discussed with the requesting organization to ensure that the NRR staff and requesting organization are aligned before discussions are initiated. These discussions are probably most easily accomplished via conference call and do not need to be held as public meetings since TIAs are not licensing or enforcement processes. However, the nature of the discussions should focus purely on information exchange or clarification rather than regulatory or enforcement debate, and no decisions or agreements should be made (otherwise the meeting must be public). The TIA PM shall document the discussion in a note to file.

Written Interaction (RAIs)

RAIs should not be necessary for Concurrence Method TIAs for reasons described at the beginning of this subsection. If, however, the NRR staff deems it necessary to issue RAIs before making a concurrence determination, then the NRR staff shall have 90 calendar days following receipt of an RAI response to either concur on the original TIA, or issue a memorandum describing NRR's position, similar to the process in Section 7.3.2. Refer to Section 6.3.1 for guidance on issuing the RAIs.

7.3.4 Exit Path for issues impossible or impractical to resolve through TIA process

Refer to Section 6.3.2 for guidance on the exit path strategy.

7.4 **Finalizing the Concurrence Method TIA**

7.4.1 NRR Concurrences

Once the TIA PM has collected all necessary NRR concurrences and any associated comments, he/she shall electronically fill in the NRR concurrence blocks and compile all of the comments into either a redline strikeout version of the TIA or as a separate comprehensive list of comments. The TIA and comments should then be emailed back to the regional lead contact with copy to the staff who provided concurrence, as well as other staff engaged in the TIA. Transmission of this email constitutes NRR's response relative to meeting the 30 day response goal.

7.4.2 Review of Concurrence Comments

Once the requesting office receives NRR's concurrences and any associated comments, regional staff should review the comments and coordinate with the TIA PM if further discussion is needed. Because the NRR staff's comments should not have substantially changed anything in the TIA, any disagreements over the comments should be relatively minor and able to be resolved over email or via conference call. If not, then the NRR staff will likely need to follow the process described in Section 7.3.2.

7.4.3 TIA Exit Call

Once all technical comments on the draft TIA are successfully resolved (and any non-concurrences are filed, if applicable), the requesting office/region will schedule a call to inform the licensee of the potential response and outcome before the final response is signed out.

The purpose of the discussion with an affected licensee is not to have a technical debate, but rather to ensure that the staff has considered all relevant information in arriving at its conclusion and that the licensee is aware of the situation. These discussions do not need to be public, and as such, they shall not confer any regulatory or enforcement decisions. The discussion should result in mutual understanding of the issue(s) and the staff's conclusions as they will be

documented in the TIA response. In cases where the TIA response is particularly long and/or technically dense, detailed discussions should be provided to allow licensee personnel to fully understand the technical analysis and impact.

7.4.4 Final TIA Issuance

After any and all comments are satisfactorily resolved, the Deputy Director of the requesting organization should initial the final concurrence block and sign out the TIA as final. Additionally, the introductory paragraph must use wording that indicates that the TIA is a mutually agreed upon position between NRR and the requesting office.

Since the requesting organization is the originator of the TIA when the Concurrence Method is used, the requesting organization is also responsible for administratively processing the document. The TIA should be profiled in ADAMS as publicly available, unless it contains proprietary or other sensitive information. If this is the case, the staff involved should discuss whether or not it is appropriate to create a redacted version for public release. When uploaded to ADAMS, the title should have the following format: Final TIA, (Plant or Subject under Review), Issue.

7.5 Potential Outcomes

While it is impossible to predict all possible outcomes of the TIA process, experience with the process has shown three outcomes that have the most impact.

7.5.1 Generic Implications

If, at any time during concurrence review of the TIA, staff identify that potential generic implications may exist, then the TIA PM shall take to create a yellow ticket assigned to the appropriate technical divisions, as well as DPR/PGCB and DIRS/IOEB, and/or the Reactor Inspection Branch (IRIB)) to evaluate the potential need for further generic action or communication. Either a justification for taking no further action, or, a decision to address the issue(s) generically by creating a new action under a different process, is necessary to close the yellow ticket. The TIA itself should focus only on the site-specific circumstances raised by the requesting organization so as not to circumvent other processes that are meant to address issues generically (even though the TIA may have obvious generic implications).

7.5.2 Backfit Considerations

During TIA concurrence reviews, the NRR staff should be sensitive to backfit concerns. If the TIA can reasonably be viewed as either new or different from a previously applicable staff position, the TIA PM and the NRR technical staff shall consult LIC-202, "Procedures for Managing Plant-Specific Backfits and 50.54(f) Information Requests," and LIC-400, "Procedures for Controlling the Development of New and Revised Generic Requirements for Power Reactor Licensees," for

additional guidance. If it is determined that a TIA likely would constitute a backfit if applied to a licensee, then the TIA should indicate that and *could* address what might be the likely outcome of a backfit evaluation or backfit analysis, as applicable. Additional discussions with the requesting office, as well as OGC and/or NRR's enforcement specialists, can then help determine if the formal backfit process should be initiated. Ultimately, the regulatory function of backfitting and its associated activities are outside the scope of the TIA process, and should not affect the final issuance of a TIA as long as the response addresses backfitting implications, if they are applicable.

7.5.3 Enforcement Discretion

While there are no specific format requirements for the concurrence method TIA, the staff should include a section describing potential outcome paths for consideration following the issuance of the TIA. This section will outline a measured NRC response commensurate with the safety significance of the issue, address "old design issues" (as they relate to TIAs), and include discussion regarding enforcement discretion.

The Policy and Manual provide information on potential paths for enforcement discretion, including NOEDs, IEPs, EGMs, and discretion granted on a case-by-case basis. The Policy and Manual also provide information on enforcement discretion related to "old design issues". If the staff believes the use of discretion is appropriate, excluding cases involving NOEDs, consultation with OE should occur early on in the process. For specific guidance related to NOEDs, please reference the Manual and IMC0410. The Policy is located at <http://pbadupws.nrc.gov/docs/ML1322/ML13228A199.pdf>. The Manual is located at <http://pbadupws.nrc.gov/docs/ML1026/ML102630150.pdf>. The staff should note additional information on enforcement discretion is also provided on the NRC website as guidance.

8. ALLEGATION-RELATED TIA CONSIDERATIONS

A requesting office may ask for technical assistance through the TIA process to resolve an issue raised in an allegation. Either the Letter Method or the Concurrence Method could apply, and the respective processes would generally remain the same, but with the following considerations.

The Office Allegation Coordinator (OAC) with responsibility for the allegation should become an integral part of communication and project support during the TIA process. The OAC should be involved in initial discussions, the TIA conference call, any RAIs or stakeholder interactions, the draft response (if Letter Method), comment periods, etc., and should also be placed on concurrence for the final TIA. In the case of RAIs (known as RFIs [Requests for Information] in the allegations process), the OAC shall be responsible for issuing them to the licensee.

All documents related to an allegation and the associated TIA must be handled in accordance with Management Directive 8.8, "Management of Allegations." This

essentially means that documents should be distributed on a “need-to-know” basis, attached to the allegation blue cover sheet, appropriately marked, and should *not* be placed in ADAMS or stored on network drives. The OAC should provide guidance to staff to ensure proper handling of documents. The TIA PM should contact the OAC for guidance in sending the draft TIA to the region for review and comment. The response associated with the allegation concern will be distributed to only those with a need-to-know basis. When complete, the TIA will be assessed whether it can be made publicly available or placed in ADAMS; however, protection of the concerned individual will be maintained as provided in Management Directive 8.8.

Summarily, the OAC is the expert on the allegations process and its associated sensitivities. Always seek the guidance of the OAC if unsure how to handle allegation-specific issues while working on an allegation-related TIA.

9. RESPONSIBILITIES AND AUTHORITIES

TIA Program Manager

The TIA PM in DPR/PLPB is the point of contact for all TIA related activities and is responsible for the proper implementation of this office instruction and recommending process improvements to the Deputy Director of DPR. The TIA PM coordinates the TIA activities with the regions, other NRC offices, and NRR staff. Additionally, the TIA PM assigns the TIA tracking number, assigns review schedules, and is responsible for the quality and timeliness of the TIA response. Furthermore, the TIA PM will track NRR’s performance in planning for and responding to TIAs via the biweekly status reports. These reports provide current information on the overall TIA program.

Branch Chief, Licensing Processes Branch

The BC of PLPB shall ensure that staff and other resources are provided to manage and execute the TIA program, including assignment of a TIA PM. The PLPB BC shall assist in the management of the TIA program and shall work with the TIA PM to correct problems and implement improvements. The PLPB BC is the decision-maker on individual TIA responses that do not involve generic issues, backfits, or exemptions, and is responsible for working with the requesting organization to resolve disagreements.

Deputy Director, Division of Policy and Rulemaking

The DPR Deputy Director is the responsible manager for the NRR office level guidance related to the management of TIAs. The DPR Deputy Director is the decision-maker on individual TIA responses that involve generic issues, backfits, or exemptions and is responsible for working with the requesting organization to resolve disagreements. The DPR Deputy Director will periodically discuss the TIA program with regional managers and other NRC organizations to assess the effectiveness of the program and solicit suggestions for possible improvements.

Other NRR Staff and Managers

All NRR staff members and managers shall support the TIA program by coordinating activities and communications with the TIA PM, PLPB BC, and DPR Deputy Director to ensure work satisfies expectations regarding quality, schedule, and resources.

10. **PERFORMANCE MEASURES**

Letter Method TIAs:

NRR should strive to issue the ***draft*** response for all TIAs within 90 days of receipt as a default target date; however, because workload, priority, and TIA complexity often play a significant role in TIA timeliness, the actual performance measures are as follows:

50 percent of open inventory less than 6 months old; AND
100 percent of open inventory less than 1 year old.

A TIA is considered open upon receipt of the formal request memo from the requesting office. A TIA is considered closed when NRR sends the *final* response memorandum.

Concurrence Method TIAs:

Upon receipt of the email with TIA attachment from the requesting office formally asking for NRR concurrence (see Section 7.1.3), the performance measure is for NRR to provide concurrences back to the requesting office via email within 30 calendar days.

If NRR should disagree with the position in a Concurrence Method TIA, NRR should strive to send the response memorandum (see Section 7.3.2) within 90 calendar days from receipt of the concurrence request. However, the actual performance measures mirror that of a Letter Method response:

50 percent of open inventory less than 6 months old; AND
100 percent of open inventory less than 1 year old.

11. **APPEAL PROCESS**

As a TIA is an internal document between NRR and another office (typically, a region), there is no process for a licensee to appeal a TIA response. However, if the TIA response prompts the requesting office/region to issue a violation, a licensee may appeal the violation via the process noted in the Manual. Specific guidance regarding denial of a noncited violation, responding to a non-escalated notice of violation, escalated notice of violation, or NOV and civil penalty can be found in PART I – 2: Dispositions of Violations. The link to the Manual can be found below.

<http://pbadupws.nrc.gov/docs/ML1026/ML102630150.pdf>

12. **PRIMARY CONTACT**

Holly D. Cruz, NRR/DPR/PLPB

301-415-1053

Holly.Cruz@nrc.gov

13. RESPONSIBLE ORGANIZATION

NRR/DPR/PLPB

14. EFFECTIVE DATE

January 6, 2014

15. REFERENCES

None

Enclosures:

1. Appendix A - TIA Acceptance Criteria
2. Appendix B - TIA Flowchart - Letter Method
3. Appendix C - TIA Flowchart - Concurrence Method
4. Appendix D - TIA Process Checklists
5. Appendix E - Change Notice History

Appendix A: TIA Acceptance Criteria

Acceptable TIA Questions/Issues

TIA's are suitable for addressing the following types of questions/issues, which are typically associated with an issue identified at a specific plant:

- Policy or Regulatory Requirement Interpretations
- Plant Licensing Bases
- NRR Technical Positions
- Safety/Risk Significance of Plant Configurations or Plant Operating Practices
- Plant Specific Questions with Obvious Generic Implications

Questions/Issues Outside of TIA Process

The following types of questions/issues are not suitable for the TIA process:

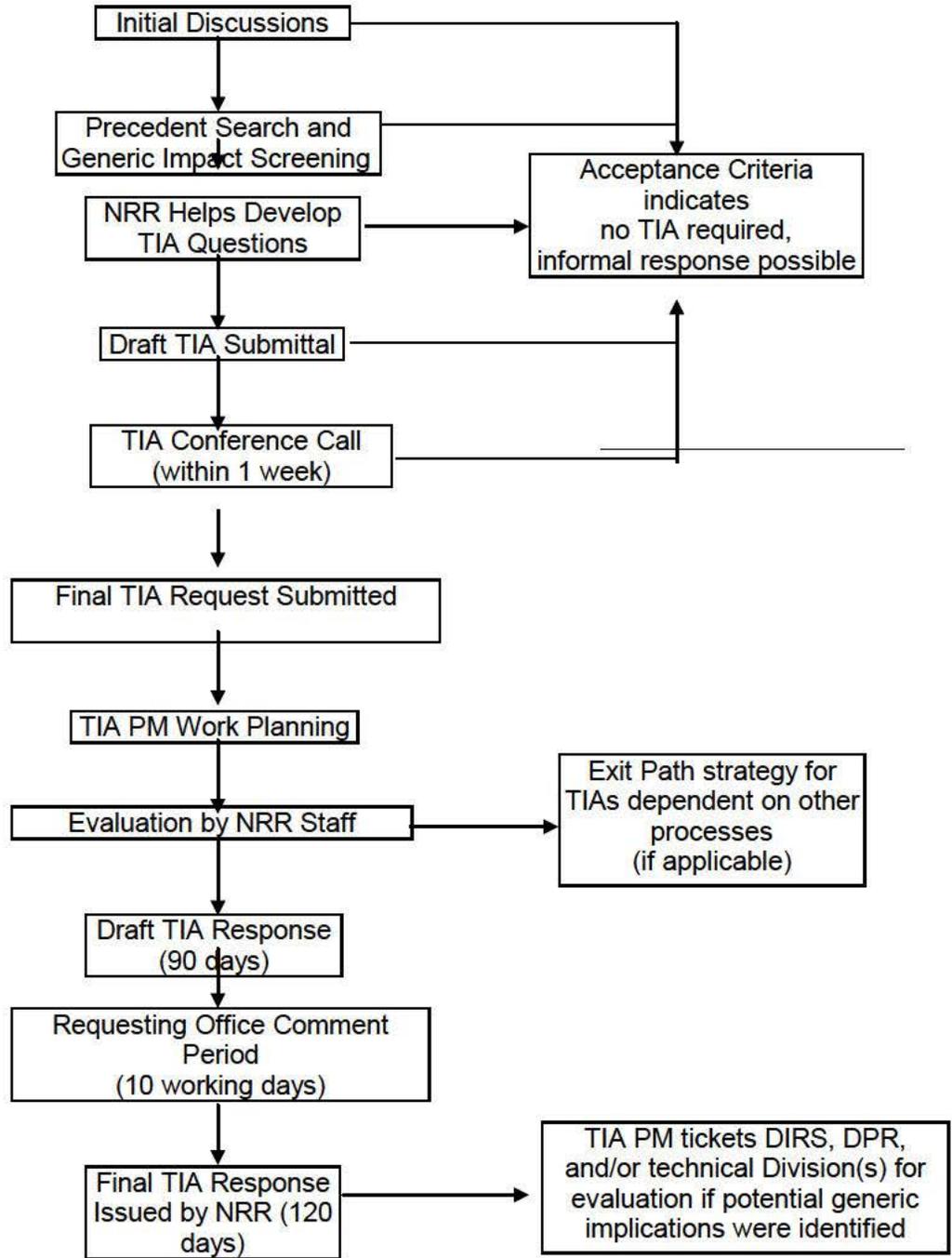
- Generic Issues (Refer to DPR/PGCB for possible Generic Communication, DPR for possible Issue for Resolution, or RES for Generic Safety Issues)
- Specific enforcement actions (Regional offices must issue enforcement through the Reactor Oversight Process; a TIA can inform, but should not make, enforcement decisions).
- Plant Backfit Analyses (Refer to DPR/PGCB for Backfit related questions)
- Disagreement with a previously stated staff position (Refer to the Non-Concurrence or Differing Professional Opinions processes)

When to Use an Alternate Process (i.e., teleconference, email, etc.)

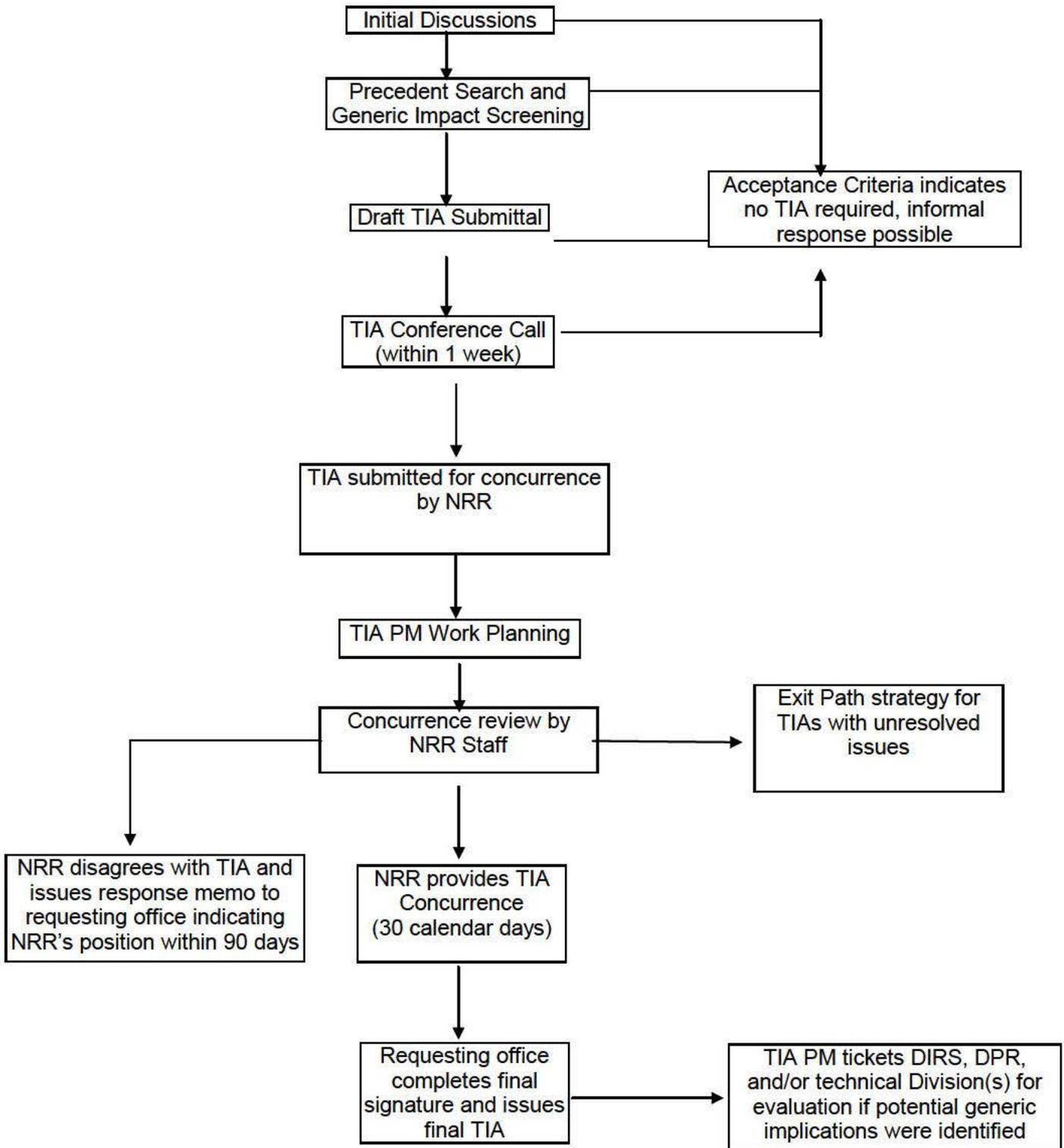
The most expedient method for resolving questions/issues should be used. Therefore, the formality of a TIA generally should not be used when:

- The response is straightforward and readily available.
- The issue is of very low safety significance and is not tied to an inspection report.
- The NRC staff has previously expressed a position (in a TIA response, regulatory guide, or other document).
- The question or concern relates to an issue that will be addressed as part of the Significance Determination Process within the Reactor Oversight Program.
- A more efficient means of answering a question would not compromise the NRC's regulatory function (e.g., would rely on a licensee's or vendor's evaluation).
- The inspection findings involve the performance of a risk significance evaluation that can be accomplished within the current budgeted resources of the NRR Probabilistic Risk Assessment Operational Support and Maintenance Branch and does not require the additional expenditure of resources to prepare and respond to a TIA.

Appendix B: TIA Flowchart - Letter Method



Appendix C: TIA Flowchart - Concurrence Method



Appendix D: TIA Process Checklists

Initial TIA Discussions

- TIA PM coordinates discussion with requesting office and NRR technical branches
- TIA PM informs DORL PM of status for plant specific TIAs
- Determine if TIA is allegation related. If so, handle all incoming documents in accordance with MD 8.8.
- TIA Preliminary Screening - Use Appendix A, "TIA Acceptance Criteria"
- Perform precedent search. If precedent is found, consider restating previously documented position:
 - Issue a Regulatory Issue Summary
 - Redistribute the documentation of the position or policy
 - Send a reminder via email to respective counterparts
 - Incorporate the existing position or policy into higher level documents
- Screen the TIA for generic communication issue

If TIA is Determined to be Appropriate:

- TIA PM suggests type of TIA (Letter Method or Concurrence Method)
- TIA PM and technical branches provide suggested content for draft TIA

Requesting Office Submits Draft TIA

- Hold TIA Call with designated offices and divisions, as noted in Sections 6.1.2 and 7.1.2 (within 1 week of receipt of draft)
 - Discuss the technical issues
 - Identify the specific questions (Letter Method) or requesting office position (Concurrence Method) to be addressed and rephrase important sections, if necessary
 - Determine the scope and depth of NRR's response and the resources needed (Letter Method only)
 - Determine whether the proposed TIA should be submitted
 - Does it meet Acceptance Criteria in Appendix A?
 - Negotiate target date for issuing the draft TIA response (Letter Method)
 - Negotiate target date for issuing final TIA response (Letter Method)
 - Determine whether or not the final TIA response can be released to the public and the timing for release
 - Determine whether or not there are restraints on discussing the issues with licensees or other external stakeholders

Requesting Office Submits TIA for NRR Evaluation or Concurrence

- TIA PM ensures that the written TIA is consistent with previous discussions
- TIA PM obtains TAC number and completes Work Request
- Requesting Office/Region informs the licensee that the TIA process has been entered, noting the issue or associated URI
- TIA PM coordinates with NRR's appropriate technical and licensing staff, OE, RES and OGC, as appropriate
- TIA PM submits TIA issue to OpE Clearinghouse for generic applicability screening

- TIA PM coordinates RAIs with technical staff, DORL and OpE Functional Area contact (if required, Letter Method only)
- Secondary screening for generic communication issue
- NRR technical staff and TIA PM identify and address any backfit issues

Issuance of TIA Response (for Letter Method)

- Management briefing held to discuss proposed response (NRR and Regional, as appropriate)
- TIA PM sends draft TIA response to requesting office
- Requesting office should respond within 10 working days with any comments
- Hold TIA Call to discuss and resolve comments, if necessary
- TIA Exit Call held with the licensee to discuss the potential response and outcome
- NRR/DPR issues final TIA response (publicly available)
- Final screening for generic communication issue; TIA PM creates yellow ticket for any potential generic implications identified

Issuance of TIA Response (for Concurrence Method)

- Appropriate NRR staff provide concurrence along with any comments to TIA PM
- Secondary screening for generic communication issue
- Management briefing held to discuss proposed response (NRR and Regional, as appropriate)
- TIA PM provides concurrences and comments, if any, to requesting office within 30 days
- Hold TIA Call to discuss and resolve comments, if necessary
- TIA Exit Call held with the licensee to discuss the potential response and outcome
- Requesting office signs and issues final TIA (publicly available)
- Final screening for generic communication issue; TIA PM creates yellow ticket for any potential generic implications identified

If NRR disagrees with Concurrence TIA's position

- TIA PM holds call with requesting office to inform them of NRR's disagreement
- NRR staff prepare response memo describing NRR's supported position
- NRR/DPR issues response memo similar to a Letter Method final TIA response within 90 days.

Routine Staff to be included in TIA Correspondence

- TIA PM, PLPB Branch Chief, DPR Deputy Director
- DIRS Operating Experience Functional Area Contact and Branch Chief
- NRR Generic Communications Branch Chief
- NRR Enforcement Coordinator

- RES Operating Experience Branch Chief
- RES, Regional Offices and the Office of New Reactors should be included on electronic distribution of draft and final TIA responses

Periodic Calls and Reports

- Monthly Status Calls with the Regions (or Requesting Office)
- Biweekly Status Reports and ROP Directors Calls
- TIA Updates provided to the Quarterly Inspector Newsletter

Appendix E: Change History

Office Instruction COM-106, Revision 3

COM-106, Revision 3 Control of Task Interface Agreements			
Date	Description of Changes	Method Used to Announce & Distribute	Training
11/26/01	Initial Issuance	Email to NRR staff	DLPM PM Briefing
12/24/02	This Office Instruction COM-106, "Control of Task Interface Agreements," update provides; 1) a general revision to increase management oversight of the process, 2) requires a statement regarding plant applicability for the TIA response, 3) adds a 30 day response requirement for the requesting organization on the draft TIA , 4) changes the goal to 80% of the draft responses sent to the requesting organization by latest agreed upon schedule, and 5) several editorial changes.	Email to NRR staff	DLPM PM Briefing
11/30/05	The changes implement the guidance in MD 8.8 and NRR OI OVRST-200 for processing TIAs related to allegations; incorporate the guidance in NRR OI LIC-401 for interacting with NRR/DIRS/OE and DPR/GCPU on potential generic issues; changes the timeliness goal for draft TIA responses to 100%, and implements the NRR reorganization. Other changes include providing a step by step process.	Email to NRR staff	DORL PM Briefing
03/17/08	These revisions reflect the reorganization of NRR and the coordination of the TIA program by the Special Projects Branch in the Division of Policy and Rulemaking and process modifications based upon a best practice examination and Regional/NRR Division feedback. The changes include the incorporation of a Concurrence Method and a Letter Method for completing TIA responses, and revised performance metrics for completion.	Email to NRR staff	None
12/30/13	These revisions reflect regional suggestions for improvement and lessons learned from continued use of the process, including the Concurrence Method added in the last revision. The changes include increased communication mechanisms and a restructuring that aims to better detail the process steps and differences between the Letter Method and Concurrence Method. This revision also provides consistent methods for communicating with the licensee/industry, improving the public transparency of the process.	Email to NRR staff	None