



NUCLEAR ENERGY INSTITUTE

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U. S. Nuclear Regulatory Commission
ATTN: Ms. Suzanne Black, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
Washington, DC 20555-0001

Dear Ms. Black:

The NEI Licensing Action Task Force (LATF) has reviewed NRR Office Letter 1201, Revision 2, "Control of Task Interface Agreements," and comments are enclosed. Please contact me at (202) 739-8011 (am@nei.org), or Mike Schoppman at (202) 739-8011 (mas@nei.org), if you have questions or comments.

Sincerely,

Alex Marion

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AM/MAS/amj

Enclosure

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NEI Licensing Action Task Force

Comments on NRR Office Letter 1201, Rev. 2, "Control of Task Interface Agreements"

1. The "Background" section of Office Letter 1201, Rev. 2 (OL-1201), states that the primary objective is to "ensure that questions regarding potential safety concerns and compliance with regulations, license requirements, technical specifications (TS), and/or the licensing basis are appropriately communicated and resolved in a timely manner." Input from the licensee is an important source of information to help meet this objective. In general, OL-1201 should contain more opportunities for the affected licensee(s) to provide input and feedback during the resolution of a Task Interface Agreement (TIA).
2. The "Basic Requirements" section of OL-1201 states, "The guidance herein is intended to ensure that (1) the resolution of questions related to potential safety and compliance concerns are appropriately discussed with the requesting organization, (2) the resolutions of the questions are appropriately planned, (3) the issues are adequately evaluated, and (4) the conclusions are communicated and documented." The NEI LATF believes that participation in the TIA process by the affected licensee(s) would materially improve the accomplishment of these objectives.
3. The classification of TIA information as "predecisional" should be minimized.
4. Except in special cases that warrant the classification of TIA information as "predecisional," the licensee should receive a copy of the initiating TIA.
5. The NRC staff should carefully evaluate the need for licensee input to assist in the TIA process. In many cases, the licensee may be the best source of information about plant configurations, operating practices, risk significance, precedent licensing actions, and other matters.
6. The outcome of a TIA should not be a surprise to the licensee. The NRC staff should (1) inform the licensee of the initiation and progress of a TIA, (2) discuss the results of the TIA process with the licensee before they are published, (3) consider requesting licensee comments on the draft results, and (4) provide the licensee an opportunity to review and rebut the TIA conclusions. These actions would permit the affected licensee(s) to be better prepared to respond to TIA findings and/or recommendations.

7. The NEI LATF acknowledges that OL-1201 recognizes:

- "the value of sharing information with other NRC staff and/or external stakeholders (including licensees)" [*refer to subsection (1) in the Basic Requirements section of the Office Letter*],
- the need for staff to "consider whether it would be appropriate to request a written submittal from a licensee or other external stakeholder" [*refer to subsection (2) in the Basic Requirements section*],
- that "the NRR staff should not circumvent the generic issues processes by establishing new staff positions in responses to TIAs" [*refer to subsection (2) in the Basic Requirements section*], and
- that "some situations may warrant sending the response to a TIA directly to a licensee or group of licensees in order to share the staff's technical finding" [*refer to subsection (4) in the Basic Requirements section*].

We agree with these statements and believe they underscore the importance of licensee participation throughout the NRC process used to resolve TIAs.