

November 13, 1998

MEMORANDUM TO: John Hoyle, Secretary  
FROM: Edward McGaffigan, Jr. /S/  
SUBJECT: COMSECY-98-036--DRAFT NRC CONTINGENCY PLAN FOR THE YEAR 2000 ISSUE IN THE NUCLEAR INDUSTRY

I approve the staff's proposal to make draft NRC contingency plan for the Year 2000 issue available to the public at this time in order to promote the dialogue on the proposals discussed in the plan, subject to the following comments.

I support the use of enforcement discretion for allowing licensees to deviate from license conditions or technical specifications arising from Year 2000 complications that would otherwise require plant shutdown, which I understand has been recommended by the General Counsel. If a majority of the Commission agrees, the staff should develop and publish a Year 2000 transition/rollover enforcement discretion policy as part of its Year 2000 contingency planning, well in advance of the transition period.

I also note the concerns raised by the Nuclear Energy Institute in its November 9, 1998, letter to Chairman Jackson on Year 2000 issues. In that letter, NEI requests, as a voluntary alternative to the response required by [Generic Letter 98-01](#), that the Commission allow licensees to report on the overall status of a nuclear plant Year 2000 readiness program under the Year 2000 Information Readiness Disclosure Act (Public Law 105-271). I encourage the staff to give immediate and favorable consideration to this request and request that the staff inform the Commission of its recommendation before the draft contingency plan is publicly released.

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner Merrifield  
OGC  
EDO  
OCA  
CFO