

ENFORCEMENT DISCRETION COVER LETTER

[Licensee's Letterhead]¹

[Date]

[Licensee's Letter Number (optional)]

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

[Plant / Unit Name(s)]
[Docket No(s) [50-____, 50-____]]

Subject: Request for Pandemic Enforcement Discretion

Pursuant to NRC Interim Enforcement Policy Regarding Enforcement Discretion for Nuclear Power Plants During a Human Pandemic Event (73 FR XXXX), *[license holder]* hereby requests exemption from the following requirements *[cite the specific regulations that warrant enforcement discretion, and include a brief summary of the supporting evaluation.]* This request follows the guidance in the NEI Pandemic Licensing Plan, Revision 1. Enclosure 1 provides the bases for the proposed enforcement discretion.

Approval of the proposed enforcement discretion is requested by *[need date, including justification]*.

[If regulatory commitments are made in the submittal, include here (or in a separate Enclosure) a listing of the formal licensee commitments that would apply if NRC approves the exemption(s). If no regulatory commitments are made, include a statement to that effect.]

If there are any questions or if additional information is needed, please contact *[licensee's point of contact]* at *[telephone number and/or email address]*.

Sincerely

[Signature]

[Name]
[Title, if not already included in the letterhead]

Enclosures:

- (1) Evaluation of the Proposed Pandemic Enforcement Discretion
- (2) Commitments *[if applicable]*

cc: NRC Operations Center

¹ Italicized brackets represent information to be inserted by the applicant. Footnotes represent guidance – they are not part of the template.

Evaluation of the Proposed Pandemic Enforcement Discretion

1.0 BACKGROUND

[Company] is the holder of Facility Operating License No(s). *[_____]*, which authorize(s) operation of the *[Plant/Unit Name(s)]*. The facility consists of *[number]* *[pressurized/boiling]* water reactor(s) located in *[County]*, *[State]*.

A pandemic condition warranting consideration of pandemic enforcement discretion relief under the interim pandemic enforcement discretion policy published in the Federal Register on *[date]* was declared by *[identify the governmental entity declaring the existence of Response Stages 3 or 4 under the U.S. Federal Government Response Stages for a pandemic]* on *[specify the date and approximate time]* by means of *[cite the official letter, e-mail, telephone call, or other means by which the plant management received notice of the pandemic condition]*.

2.0 REQUEST *[complete one or both of the following sections, depending on local circumstances]*

2.1 Request for Generic Pre-established Enforcement Discretion²

[Company] finds that enforcement discretion is necessary or may soon become necessary to permit *[Plant/Unit Name(s)]* to modify, reschedule, or skip one or more of the requirements listed in Table 1 to enable continued plant operation because pandemic-related staffing reductions are preventing or will soon prevent the requirements from being satisfied. Enforcement discretion as described herein will permit continued safe plant operation, providing electric power to the regional electric grid for in support of critical infrastructure (transportation, telecommunications, health care, etc.).

Therefore, *[Company]* requests pre-established enforcement discretion for *[Plant/Unit Name(s)]* in accordance the safety assessment in Section 3.1. This assessment is consistent with the interim pandemic enforcement discretion policy.

2.2 Request for Plant-specific Situational Enforcement Discretion³

[Company] finds that enforcement discretion is necessary or may soon become necessary to permit *[Plant/Unit Name(s)]* to modify, reschedule, or skip one or more of the requirements listed in Table 2 to enable continued plant operation because pandemic-related staffing reductions are preventing or will soon prevent the requirements from being satisfied. Enforcement discretion will permit , continued plant operation is to provide electric power to the regional electric grid for the duration of the pandemic in support of critical infrastructure (transportation, telecommunications, health care, etc.).

Therefore, *[Company]* requests plant-specific situational enforcement discretion for *[Plant/Unit Name(s)]* in accordance with the safety assessment provided in Section 3.2.

² Pre-established enforcement discretion is applicable in general to all plants in accordance with the NRC Interim Pandemic Enforcement Discretion Policy published in the Federal Register on (date).

³ Plant-specific situational discretion is applicable on a case-by-case basis to address pandemic noncompliance situations that are not bounded by the interim pandemic enforcement discretion policy.

3.0 SAFETY ASSESSMENT *[complete one or both of the following sections, depending on local circumstances]*

3.1 Safety Assessment of Generic Pre-established Enforcement Discretion

Table 1 lists requirements that *[Plant/Unit Name(s)]* currently cannot meet or will soon be unable to meet due to pandemic related staffing reductions that are within the scope of pre-established discretion authorized by the "Interim Enforcement Policy Regarding Enforcement Discretion for Nuclear Power Plants During a Human Pandemic Event" (73 FR XXXX). *[Company]* certifies that the acceptance criteria for exercising temporary relief for the listed requirements have been met in accordance with the interim policy statement.

[include the following sentence if this written notification follows and confirms a verbal notification]

This request confirms verbal notification of the NRC Operations Center on *[date/time]*.

3.2 Safety Assessment of Plant-specific Situational Enforcement Discretion

Table 1 lists requirements that *[Plant/Unit Name(s)]* currently cannot meet or will soon be unable to meet due to pandemic-related staffing reductions that are not within the scope of pre-established discretion authorized by the NRC "Interim Enforcement Policy Regarding Enforcement Discretion for Nuclear Power Plants During a Human Pandemic Event" (73 FR XXXX). The Table includes a checklist of attributes that provide a basis for enforcement discretion.

[include the following sentence if this written notification follows and confirms a verbal notification]

This request confirms verbal notification of the NRC Operations Center on *[date/time]*.

4.0 CONCLUSIONS

Based on the considerations discussed above and in Table 1, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations to the maximum extent practicable, and (3) enforcement discretion will not be inimical to the common defense and security or to the health and safety of the public.

5.0 REFERENCES

[Identify and number all references used to prepare the proposed enforcement discretion. Cite each reference in this Enclosure (Evaluation of Proposed Pandemic Enforcement Discretion). If a reference is needed to understand, review, or approve the proposed enforcement discretion, consider adding it to the submittal as an attachment, or submit it to the NRC under separate cover letter.]

Table 1 – List of Requirements that Warrant Pandemic Enforcement Discretion

The following preconditions for pandemic enforcement discretion have been met:

- a. *[Government entity]* has announcement that pandemic conditions exist that warrant consideration of the interim pandemic enforcement discretion policy, as described therein *[cite announcement type and date]*.
- b. *[Company]* has determined that the acceptance criteria in the NRC Interim Pandemic Enforcement Discretion Policy have been met (i.e., pandemic-related plant staffing reductions that preclude compliance at *[Plant/Unit Name(s)]* are imminent or have occurred).
- c. The requested pre-established discretion items conform to the interim enforcement discretion policy.
- d. *[Company]* has notified the NRC *[either verbally prior to this request, or by virtue of this request]* of the need to exercise enforcement discretion to preclude shutdown of *[Plant/Unit Name(s)]*.
- e. *[Company]* agrees to update Table 1 at least daily by means of verbal communication with the NRC Operations Center *[the objective is to inform NRC as staffing changes and particular job functions enter and exit the Table]*.

Source of Requirement ⁴	Text of Requirement ⁵	Relief Category ⁶	Type of Relief ⁷	Basis for Relief ⁸

⁴ Cite the location of the requirement (10CFR, Tech Spec, or other requirement)

⁵ State the requirement and describe which parts cannot be met

⁶ State which relief category is being requested:

A = Generic pre-established enforcement discretion in accordance with NRC interim policy (73 FR XXXX)

B = Plant-specific situation enforcement discretion

⁷ State the type of relief being requested: Modify (i.e., implement an alternative); Reschedule; Skip

⁸ State the basis for Category B relief: *[Specify which of the attributes the following list provide the basis for each relief, and attach supplemental information if needed.]*

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List of Attributes that Support a Basis for Plant-Specific Situational Enforcement Discretion

1. Precedent. *[Reference the affected power plant(s) and documentation, and briefly discuss how the precedent applies to the specific circumstances of the proposed relief. If there are any differences between identified precedent and the proposed relief, explain the differences and describe their impact on the acceptability of the proposed relief. Precedent, by itself, does not demonstrate the acceptability of a proposed relief, but does give the NRC staff information about how related situations have been treated in the past.]*
2. Plant shutdown during a pandemic could exacerbate already degraded electrical grid conditions and could have an adverse impact on the overall health and safety of the public. Enforcing compliance with specific requirements could worsen the emergency situation.
3. It is not feasible due to pandemic-related staffing reductions to process a temporary or permanent alternative to enforcement discretion (e.g., exemption, license amendment, order, or licensing basis change pursuant to 10 CFR 50.59).
4. Subjective risk comparison between normal staffing and reduced staffing *[attach details]*.
5. Objective risk comparison between normal staffing and reduced staffing, expressed in terms of incremental core damage probability and large early release probability as specified in NRC and industry guidance on configuration risk management *[attach details]*.
6. The need to avoid unnecessary transients as a result of compliance with a particular requirement, thus minimizing the potential safety consequences and operational risks.
7. The need to avoid testing, inspection, or system realignment that is inappropriate for the particular plant conditions (i.e., the activity that may initiate an unnecessary transient) and does not provide an overall safety benefit or may be detrimental to safety.
8. The need to remove an administrative constraint to plant startup.
9. The safety function of the requirement has marginal safety benefit, and strict compliance may increase the likelihood of an unnecessary plant transient.
10. The requirement does not provide a safety benefit and may be detrimental to safety in pandemic situations.

11. A government entity or a responsible independent entity (such as a regional power authority) has determined that power delivery challenges in combination with potential adverse effects (non-radiological) to public health and safety constitute an emergency situation that warrants continued nuclear plant operation.
12. *[Company]* has performed an evaluation that (1) addresses the safety significance and potential consequences of the proposed discretion, and (2) balances the effect on public health and safety of not operating *[Plant/Unit Name(s)]* against the potential radiological or other impacts associated with continued operation. The evaluation followed the guidance in the NRC Inspection Manual Chapter 9900 section entitled, "Operation – Notice of Enforcement Discretion." The evaluation has determined that public health and safety will not be impacted unacceptably by granting the request *[attach details]*.
13. *[Company]* will provide a daily enforcement-discretion status report either to an NRC resident inspector or the NRC Operations Center. The report will include the condition and operational status of the plant (including safety-related equipment out of service or otherwise inoperable) and the status and potential challenges to off-site and on-site power sources.
14. The enforcement discretion is temporary and will not be implemented unless and until staffing in the organization responsible for compliance has been reduced by pandemic illness and can no longer comply with the requirement. Compliance will be restored as soon as practicable even though organizational staffing may not have returned to normal levels.
15. *[Company]* commits to submitting a follow-up license amendment at the earliest opportunity.
16. *[Company]* has addressed the quantitative and qualitative aspects of Section D.4 of the NOED chapter in the NRC Inspection Manual and determined that continued operation of the plant during the period of enforcement discretion will not cause risk to exceed the level determined acceptable during normal work controls and, therefore, there is no net increase in radiological risk to the public *[attach details]*.
17. The proposed discretion has been reviewed and approved internally by *[Plant/Site Name(s)]* onsite safety review committee, or, as a minimum, representatives representing plant management, the licensing function, and the applicable technical function(s).