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From:

Jack Roe

TACs:

MD7781

To:

Cathrine Haney

*** YELLOW ***

For Signature of:

Routing:

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Description:

NEI Pandemic Licensing Plan, Revision 1

Assigned To:

DPR

Contact:

CASE, MICHAEL, J

Special Instructions:

Called DPR (Lauren) at 8:20 a.m. on 1/16 for pick up



NUCLEAR ENERGY INSTITUTE

Jack W. Roe
DIRECTOR
OPERATIONS SUPPORT
NUCLEAR GENERATION DIVISION

December 17, 2007

Ms. Catherine Haney
Director, Division of Operating Reactor Licensing
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NEI Pandemic Licensing Plan, Revision 1

Project Number: 689

Dear Ms. Haney:

The Nuclear Energy Institute¹ (NEI) is pleased to transmit Revision 1 of our draft Pandemic Licensing Plan (Enclosure 1) for NRC staff review and comment. The plan supplements NEI 06-03² and the NRC Interim Pandemic Response Plan.³

Background

On January 16, 2007, NEI submitted to the NRC a draft Pandemic Licensing Plan in the form of a white paper. That paper was the culmination of a series of interactions between NEI, its member companies, and the NRC staff. It described a licensing framework to facilitate continued safe operation of nuclear plants if staffing levels are affected by a pandemic.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

² NEI 06-03, "Influenza Pandemic Threat Summary and Planning, Preparation, and Response Reference Guide" (March 2006), published jointly by NEI and the Nuclear Sector Coordinating Council.

³ U.S. NRC, Press Release 06-147, "Interim Pandemic Response Plan," December 1, 2006.

The NRC staff reviewed the NEI plan and, in March 2007, met with NEI to discuss the agency's initial observations. The NRC comments, plus supplemental input from NEI member companies, have been incorporated into Revision 1 of the NEI white Paper (Enclosure 1). To provide more detail in this regard, the NEI response to the NRC comments is provided in Enclosure 2. Enclosures 3 and 4 are proposed templates for pandemic-related enforcement discretion requests and exemption requests, respectively.

Pandemic Impact

Health care professionals predict that in the next ten years the U.S. will experience an influenza pandemic, although the exact timing and severity remain unknown. Planning officials are concerned that a pandemic could have significant operational and economic implications at all U.S. electric generating facilities. Therefore, the continued safe and reliable operation of the U.S. fleet of commercial reactors, which are instrumental in maintaining the U.S. electric grid, is an important factor in ensuring the continuity of critical elements of the national infrastructure (e.g., food supply, telecommunications, transportation, health care, etc.) during a pandemic. Notably, all of these infrastructure elements are dependent to some degree on electricity.

In this context, recognizing that plant staffing likely will fall during a pandemic below the levels required to comply with all regulations, the NEI Pandemic Licensing Plan focuses on justifiable temporary relief from regulatory requirements related to staffing, work hours, surveillance requirements, reports, and programs that do not have an immediate or significant impact on radiological risk.

The NEI plan:

- Identifies requirements for which temporary, limited, case-by-case relief is feasible, consistent with the continued protection of public health and safety.
- Considers the licensing and regulatory impact of pandemic-related staffing reductions and how to address those impacts.
- Addresses the need for policy-making in advance of a pandemic.
- Evaluates licensing options for addressing NRC compliance issues associated with reduced staffing levels.
- Establishes a "trigger" concept for entering and exiting relief.
- Represents a practical approach for ensuring safe operation in conjunction with the need for power during a pandemic event.
- Makes the fundamental assumption that there is a minimum level of plant staffing that must be maintained to enable licensees to meet their regulatory obligations.

Ms. Catherine Haney

December 17, 2007

Page 3

Recommendation

NEI recommends that NRC exercise its authority to establish an interim pandemic enforcement discretion policy designed to facilitate the granting of temporary relief in situations where pandemic-related staffing reductions prevent full compliance with all NRC requirements and the relief sought does not significantly reduce plant safety margins. The enclosed white paper includes a proposed "Interim Enforcement Policy Regarding Enforcement Discretion for Nuclear Power Plants During a Pandemic Event" for NRC consideration.

The proposed interim policy provides licensees and the NRC staff with (1) a licensing mechanism for considering streamlined "pre-established" relief for certain requirements amenable to generic disposition, and (2) a licensing mechanism for considering plant-specific relief for situations outside the scope of pre-established relief. The proposed approach is consistent with the Commission's broad authority to exercise enforcement discretion with respect to the conduct of its regulatory responsibilities.

It is important that NRC and the nuclear industry reach consensus on a pandemic licensing plan for the U.S. commercial nuclear reactor fleet before a pandemic occurs. The special circumstances created by pandemic warrant special measures. Currently, pandemic planning by Federal agencies (including the Department of Homeland Security) does not address the potential for disruption of the normal nuclear licensing process during a pandemic. More specifically, NEI believes that temporary adjustments to the nuclear licensing process are necessary to preclude operating reactors from being shut down during a pandemic because staffing shortfalls prevent compliance with administrative and programmatic requirements that do not have a significant short-term impact on plant safety margins.

Management Sponsor

NEI previously recommended that NRC and NEI each designate a management sponsor for this issue. We understand that Mr. Bruce Mallett, Deputy Executive Director for Reactor and Preparedness Programs, has been named the NRC management sponsor. The industry management co-sponsors are Mr. Anthony Pietrangelo, Vice President – Regulatory Affairs for NEI and Mr. Keith Jury, Vice President – Licensing & Regulatory Affairs for Exelon.

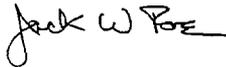
Ms. Catherine Haney

December 17, 2007

Page 4

If you have questions or require additional information, please contact me (202-739-8138, jwr@nei.org), or Mike Schöppman (202-739-8011, mas@nei.org).

Sincerely,



Jack W. Roe

Enclosures:

- (1) NEI Pandemic Licensing Plan, Revision 1
- (2) Comment Response Table
- (3) Template (Request for Pandemic Enforcement Discretion)
- (4) Template (Request for Pandemic Exemption)

c: Mr. Luis A. Reyes, NRC
Mr. Bruce S. Mallett, NRC
Mr. Stephen G. Burns, NRC
Mr. Michael J. Case, NRC
Mr. John W. Lubinski, NRC
Mr. Martin C. Murphy, NRC
Mr. Sean E. Peters, NRC
Mr. Keith Jury, Exelon
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