

May 2, 2008

MEMORANDUM TO: Michael Case, Division Director  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

FROM: Martin Murphy, Branch Chief */RA/*  
Generic Communication and Power Uprate Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

SUBJECT: COMMENTS ON THE NUCLEAR ENERGY INSTITUTE PANDEMIC  
RESPONSE PLAN, REVISION 1

This memorandum transmits the agency's comments (enclosed) on the subject pandemic response plan, also referred to as a white paper, submitted on December 17, 2007. Comments were received from the Offices of Nuclear Reactor Regulation, Enforcement, Nuclear Security and Incident Response, and the General Counsel. The Office of Federal and State Materials and Environmental Management Programs and Office of Nuclear Material Safety and Safeguards had no comments since the plan is limited to reactor safety.

The Nuclear Energy Institute (NEI) has not addressed most of our original comments on the first version, submitted January 16, 2007. NEI still recommends "NRC enforcement discretion as the most efficient and effective licensing approach to a pandemic" through "a pre-established NRC policy." Without bounding entry conditions, the staff finds that this approach presents significant challenges that may prevent meaningful progress toward pandemic preparation. However, the NEI plan has some positive aspects that warrant further discussion, such as the tables and tiered framework of compliance categories.

Enclosure: as stated

May 2, 2008

MEMORANDUM TO: Michael Case, Division Director  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

FROM: Martin Murphy, Branch Chief */RA/*  
Generic Communication and Power Uprate Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

SUBJECT: COMMENTS ON THE NUCLEAR ENERGY INSTITUTE'S (NEI'S)  
PANDEMIC RESPONSE PLAN, REVISION 1

This memorandum transmits the agency's comments (enclosed) on the subject pandemic response plan, also referred to as a white paper, submitted on December 17, 2007. Comments were received from the Offices of Nuclear Reactor Regulation, Enforcement, Nuclear Security and Incident Response, and the General Counsel. The Office of Federal and State Materials and Environmental Management Programs and Office of Nuclear Material Safety and Safeguards had no comments since the plan is limited to reactor safety.

The Nuclear Energy Institute (NEI) has not addressed most of our original comments on the first version, submitted January 16, 2007. NEI still recommends "NRC enforcement discretion as the most efficient and effective licensing approach to a pandemic" through "a pre-established NRC policy." Without bounding entry conditions, the staff finds that this approach presents significant challenges that may prevent meaningful progress toward pandemic preparation. However, the NEI plan has some positive aspects that warrant further discussion, such as the tables and tiered framework of compliance categories.

Enclosure: as stated

DISTRIBUTION:

JHimes      REnnis      DChung  
PMoulding    PBamford    RKahler  
JGoldberg    SLaur      KScalcs  
SBurns      LRegner    W.Cartwright

ADAMS Accession Nos:  
Package: ML081120611  
Memo: ML081120576  
Comments: ML081120592

<b>OFFICE</b>	NRR:DPR:PGCB:PM	NRR:DPR:PGCB:BC	NRR:DORL:D	NSIR	OGC (NLO)
<b>NAME</b>	MBanic	MMurphy	CHaney	BMcDermott	PMoulding
<b>DATE</b>	4/28/08	5/2/08	4/30/08	4/30/08	5/1/08

**OFFICIAL RECORD COPY**