

NRR Pandemic Response Plan

UNITED STATES NUCLEAR REGULATORY COMMISSION



OFFICE OF NUCLEAR REACTOR REGULATION PANDEMIC RESPONSE PLAN

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EXECUTIVE SUMMARY

The Office of Nuclear Reactor Regulation (NRR) is issuing its Pandemic Response Plan. This plan implements the Pandemic Response Plan of the U.S. Nuclear Regulatory Commission (NRC) at the NRR office level and contains instructions specific to NRR. Consistent with the NRC's Pandemic Response Plan, the goals of the NRR plan are to: (1) ensure that during significant, sustained absenteeism, NRR will be able to maintain its essential functions and services to provide adequate protection of public health and safety, promote the common defense and security, and protect the environment; (2) provide for the health and safety of NRR employees; (3) prepare for the potential adverse impacts of a pandemic and mitigate their effects; and (4) communicate pandemic preparedness and response guidance to all NRR stakeholders.

The NRR plan covers the elements of a viable continuation of operations capability as specified by the Federal Emergency Management Agency. These elements are plans and procedures; essential functions and services; devolution of control and delegation of authority; orders of succession; primary and alternate operating facilities; communications; vital records and databases; human capital; test, training, and exercise; and reconstitution. The NRC's plan covers all of these elements; the NRR plan focuses on the elements as they apply specifically to NRR. Important among these elements are the essential functions (pandemic priority functions) that must be maintained throughout a pandemic to meet the NRR statutory obligations. These functions fall into the categories of licensing, enforcement, and inspection.

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I. INTRODUCTION

The Federal Government performs essential functions and services that may be adversely impacted during a natural or manmade disaster. All Government departments and agencies should have plans for how they will continue to perform their core missions during such events. Continuity of operations for various agencies, businesses, and Governmental jurisdictions may be disrupted during a pandemic; therefore, it is important for these entities to ensure that they can execute their essential missions in the event of a threat to their normal continuity of operations.

The U.S. Nuclear Regulatory Commission (NRC) has a normal continuity of operations plan (COOP) to ensure that its mission-essential functions continue uninterrupted during a wide range of potential emergencies and disruptions, including the loss of all facilities and equipment at NRC Headquarters. The COOP provides for continuity of mission-essential functions for up to 30 days during and after natural or manmade emergencies that may occur at times and places that are fairly well defined. The NRC also has a Pandemic Response Plan (Annex P of the COOP) that complements the COOP by providing for continuity of mission-essential operations during a pandemic that could present a more persistent and widespread assault that may grow and fade across the Nation for many months before finally dying out.

The Pandemic Response Plan of the Office of Nuclear Reactor Regulation (NRR) is designed to implement the NRC's Pandemic Response Plan at the NRR office level. It contains an introduction to the U.S. Government's preparations for a flu pandemic and planning assumptions and covers the elements of a viable COOP capability—plans and procedures; essential functions and services; devolution of control and delegation of authority; orders of succession; primary and alternate operating facilities; communications; vital records and databases; human capital; test, training, and exercise; and reconstitution. The NRC's plan covers all of these; the NRR plan focuses on the elements as they apply specifically to NRR. Important among these elements are the essential, core NRR functions (pandemic priority functions (PPFs)) that must be maintained throughout a pandemic to preserve the NRR statutory obligations. These functions fall under the categories of licensing, enforcement, and inspection.

II. PURPOSE

Consistent with the NRC's Pandemic Response Plan, the goals of the NRR Pandemic Response Plan are to: (1) ensure that during significant, sustained absenteeism NRR will be able to maintain its essential functions and services to provide adequate protection of public health and safety, promote the common defense and security, and protect the environment; (2) provide for the health and safety of NRR employees; (3) prepare for the potential adverse impacts of a pandemic and mitigate their effects; and (4) communicate pandemic preparedness and response guidance to all NRR stakeholders.

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III. CONCEPT OF OPERATIONS

See this section of the NRC Pandemic Response Plan for an explanation of how the NRC will implement its Pandemic Response Plan agencywide and, specifically, its response to changes in the Federal response stages.

IV. PANDEMIC PLANNING ASSUMPTIONS

See this section of the NRC Pandemic Response Plan for the assumptions used.

V. ELEMENTS OF A VIABLE CONTINUITY OF OPERATIONS CAPABILITY

The elements of a viable COOP capability are essential functions and services; devolution of control and delegation of authority; orders of succession; primary and alternate operating facilities; communications; vital records and databases; human capital; test, training, and exercise; and reconstitution.

V.A PLANS AND PROCEDURES

Plans and procedures are applicable agencywide and respond to the Federal response stages; a change from one Federal response stage to another automatically activates certain readiness measures and procedures. See this section in the NRC Pandemic Response Plan for additional information.

The plans and procedures specify designating pandemic coordinators and a pandemic response team, known as the COOP management team (CMT). The NRR member on the NRC's CMT is the Director of NRR, who will provide advice and support concerning NRR PPFs and staff.

Pandemic response applies agency-wide, and notification of staff of the response level is addressed by the agency plan (Section V and Appendix 5). The Department of Homeland Security (DHS) will direct all agencies to activate pandemic emergency plans at Federal Stage 4, when the first sustained human-to-human infection is confirmed in North America. DHS is expected to notify the Headquarters Operations Officer (HOO), who will follow existing procedures to inform others. After the chairman formally declares an emergency, the HOO will follow existing procedures for a telephone brief of technical assistants, at which time the Executive Director of Operations will decide when, and in what manner, to hold the first COOP CMT meeting. The CMT will follow the progress of the pandemic, communicate with external and internal stakeholders, and prepare to implement the plan. The CMT will provide for a focused agency wide response.

The NRR Division of Policy and Rulemaking (DPR), Generic Communications and Power Uprate Branch (PGCB), is responsible for the NRR plan. This plan will be widely distributed within NRR and will be available on the NRR's pandemic response Web site. The Office of Nuclear Security and Incident Response (NSIR), as the lead office responsible for maintaining

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the agency plan, will retain copies of the agency and office plans in the Headquarters Operations Center.

V.B ESSENTIAL FUNCTIONS AND SERVICES

V.B.1 Essential Functions

NRR has identified a core set of office functions that must be maintained to meet its statutory obligations during a pandemic. Maintaining these functions should ensure continuity of priority operations and sufficient oversight of licensed activities to protect public health and safety. The NRC's PPFs are divided into seven categories, three of which apply to NRR. The seven categories are:

- incident response,
- threat assessment and dissemination,
- pandemic-related communications,
- licensing,
- enforcement,
- inspection, and
- enterprise support functions.

The PPFs specifically performed by NRR fall under licensing, enforcement, and inspection and are assisted by enterprise support functions.

If an assumed set of pandemic conditions occurs, it may be possible to shed functions gradually from the full set of functions to only the PPFs. NRR plans to shed work functions (from the typical full set to PPFs), consistent with the add/shed/defer process described in this plan, and widen the use of remote decisionmaking.

V.B.2 Identification of Essential Positions and Skills

For a list of essential positions and skills see Appendix A.

To maintain NRR PPFs, NRR has developed primary and alternate staffing plans for each branch expected to perform PPFs. The alternate staffing plans list personnel not currently assigned to the organizations with the identified PPF functions that have suitable experience to perform the PPFs. Those personnel can be from within any agency office. Sources of alternate staff are offices with counterpart divisions and offices with neither essential operational functions nor essential support functions. The responsible branch chiefs will be able to call on those personnel to perform PPFs during a pandemic. The Strategic Workforce Planning system is available but not currently configured to match descriptions of key positions. Work will be needed to more directly relate skill sets to actual positions and qualification, and to make them easily searchable.

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How to Use Alternate Staffing Plans

Branch chiefs should use the alternate staffing plans as follows at the various levels of Federal Stage 5:

- (1) If, during activation of the NRR Pandemic Response Plan, PPF-related work is found to exceed the branch's staffing, first consult the alternate staffing plans in Appendix B to this plan for alternative, capable staff within NRR.
- (2) If available staff cannot be found within NRR, then consult Appendix B for alternate staff from other offices.
- (3) Contact the loaning branch chief via telephone or e-mail to make the request. Since the staff is expected to be loaned on a temporary, work-specific basis, handle these staff loans informally.
- (4) If an informal arrangement cannot be made, raise the issue to division management.

Updating Staffing Plans

NRR will update staffing plans in Appendix B quarterly as requested by the NRR Pandemic project manager (PM) through a yellow ticket. The NRR Pandemic PM will work through the division technical assistants (TAs) to maintain the staffing plan. Divisions should update the staffing plans as follows:

For primary staffing plans—

- (1) Identify those division staff members who support a PPF (this includes support staff such as secretaries and licensing assistants) using division rosters.
- (2) Assume a 40-percent attrition rate and identify the number of backup staff members needed. In cases in which an NRR staff member has unique skills (e.g., in diesel generators), the 40-percent attrition rate assumption would not apply. For those cases, three to four backup staff members should be identified for each staff member with unique skills. This level of staffing achieves the NRC's goal of having a staffing plan three to five employees deep.
- (3) Fill in names in the primary staffing plan.

For alternate staffing plans—

- (1) Review the rosters (available on the internal NRC Web site) and strategic workforce planning data of NRC organizations that do not support any PPFs (e.g., the Office of Nuclear Regulatory Research (RES), Office of New Reactors, NRR/Division of License Renewal, Office of International Programs (OIP)). Some offices have counterpart divisions which can serve as sources of individuals that perform similar work to the requesting office. For example, NRR and RES have counterpart risk analysts. Identify

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specific NRC staff members with experience and skills relevant to the NRR division. Develop a list of backup staff members. Denote which positions the backup staff member would fill. Fill in staff names, three to five employees deep.

- (2) Note that some NRR employees are also assigned to incident response teams and are subject to priority call for emergencies; therefore, these employees may not be the best choice. For current names, see <http://148.184.213.252/NSIR/PODs/IRTPOD.pdf>. (NSIR has the lead in working with other offices to staff the response team, the positions of which are four deep.)
- (3) When the plans for the division are complete, forward them to the NRR Pandemic PM in DPR/PGCB.
- (4) The NRR Pandemic PM may obtain concurrence from the lending offices to prevent other offices from selecting the same person.

V.B.3 Alternative Work Arrangements

Essential functions and services can be accommodated either through fixed schedules or project-based telework. Employees requiring access to safeguards-related and classified materials must work in the office. Managers should also be cognizant of providing adequate in-office coverage to respond to rapidly changing situations during a pandemic. The managerial, secretarial, and information technology (IT) support functions are examples sensitive to office coverage. In addition, managers may want to solicit volunteers to work alternate schedules, considering network congestion, and plan to use shifts or rationing, for example.

During a pandemic, work at home (telework) is an important method of social distancing that can help maintain a larger effective workforce. The NRC is currently developing a telework plan that takes into account the December 2007 report by DHS, "Pandemic influenza Impact on Communications Networks Study," A draft agreement form (Appendix C) was developed to be signed by each individual who is willing to participate in telework. All offices are expected to use this form, which may be modified. This form will be the basis for decisions on flexible work schedules, alternate work locations, and telecommuting options. Forms can be signed in advance or as a pandemic develops, but managers should be aware that Office of Information Services (OIS) may need to impose quotas or other restrictions because but there is currently insufficient capability for 100% of the staff to telework.

V.B.4 Essential Contract and Support Services and Other Interdependencies

Enterprise support functions are needed to support the NRR PPFs and will generally be available from major offices such as Office of Administration (ADM), the OIS, and the Office of Chief Financial Officer (OCFO), as detailed in their office-specific plans. NRR support staff will continue its interface functions, especially in the areas of contracts, records management, time and labor, and budgeting. The following key tasks are performed by these offices and NRR:

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- **Contract Support**
 - award new contracts and administer existing contracts, review requirements/funding documents, issue solicitations (verbal or written), evaluate and award new contracts for critical support services
 - administer existing critical support contracts, including processing requests for modifications and reviewing and certifying invoices for payment
 - monitor contractor performance
 - use bank card program to facilitate pandemic-related requests, such as newspaper notifications, telephone bridges, and pandemic supplies

- **Computer System and IT Support**
 - maintain operation of the Reactor Program System and targeted regulatory improvement (Time, Resource and Inventory Management)
 - support special pandemic-related software purchase requests
 - maintain Web services
 - facilitate resolution of IT issues with support offices

- **Records Management**—facilitate continued staff support to Agencywide Documents Access and Management System (ADAMS) recordkeeping functions and Freedom of Information requests

- **Time and Labor** (note that e-mail signatures instead of hand signatures may be attached to the time and labor reports)
 - facilitate the collection of absenteeism information during a pandemic
 - facilitate the orderly processing and documentation of time and labor consistent with pandemic restraints
 - maintain Web services

- **Travel**—process travel orders and vouchers (For employees on travel, see Appendix 5 of the NRC Pandemic Response Plan, or V.H of this plan which reproduces relevant parts of Appendix 5).

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- Budget—assess financial resources (budget execution process) and ensure resource availability through financial plan for critical office functions

V.B.5 Impact Analysis on Operations

The impact of a pandemic on NRR operations was analyzed for Federal response stages 0 through 5, focusing on Federal Stage 5.

During the escalation of the pandemic (Federal Stages 0–4), the NRC plan expects that the agency will be at near normal operation and may implement actions, such as travel restrictions and increased absenteeism monitoring, that can be accomplished within normal business and communication processes. During these stages, managers and supervisors should continue to stress measures to prevent the spread of infection such as the following:

- social distancing (greater than 6-feet);
- encouraging employee self-screening for illness;
- personal hygiene measures, such as the use of hand sanitizer; and
- cancelling nonessential meetings and gatherings.

See NRR Pandemic Webpage for additional information.

Managers should be prepared to implement the plan at Federal Stage 5.

V.B.5.1 Pandemic Responses According to Levels at Federal Stage 5

Consistent with the NRC Pandemic Response Plan, since the Federal Stage 5 is so broad, the NRR pandemic activities have been divided into the following response levels to better coordinate NRR operations that are gradually scaled back to accommodate increasing absenteeism:

- Level 0—Absenteeism < 20%
- Level 1—Absenteeism 20–30%
- Level 2—Absenteeism 31–40%
- Level 3—Absenteeism 41–60%

During each of the response levels, branch chiefs, division managers, and office managers should assign work at a branch, division, and office level following the general priorities identified in Section V.5.B.2 of this plan. Depending on the absentee level, tasks will be added, shed, or deferred.

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Level 0: No Impact on Existing Resources or Workload

The Chairman directs the staff to maintain **NEAR-NORMAL BUSINESS**.

At Federal Stage 5, Level 0, the NRC is at a near normal business level. There is sustained transmission in U.S. population and NRC absenteeism is less than 20 percent. Work is accomplished with normally allotted resources, occasional use of overtime, and an acceptable amount of burden on the staff, as determined by the staff and supervisors. The primary objective of staff actions during this stage of a pandemic is to prevent the spread of flu in the workplace.

Level 1: Minimal Impact on Budgeted Resources or Workload

The Chairman activates NRC **RESPONSE LEVEL 1** for Headquarters or affected regions.

At Level 1, NRC absenteeism is 20–30 percent at one or more locations. New work priorities, additional workloads, changes in scope or levels of effort, or changes in staff availability result in slight resource or workload adjustments by branch management. At Level 1, work can still be done with minimal impact on the staff (i.e., acceptable overtime use or nonrecurring incidents of rescheduled leave). The impact on budgeted resources is usually limited to a branch or a process (defined by PA codes).

At this level, managers may detect increased reliance on overtime or rescheduled leave by employees. Managers should discuss employee workloads and the effect of these workloads on the employees' ability to complete assigned work or the branch's ability to meet its goals. Managers should appropriately adjust workload (primarily within their branches) to ensure the accomplishment of higher priority work.

Level 2: Moderate Impact on Budgeted Resources or Workload

The Chairman activates NRC **RESPONSE LEVEL 2** for Headquarters or affected regions.

At this level, NRC absenteeism is 31–40 percent at one or more locations. Resource constraints or new work priorities result in adjustments that impact the offices' completion of budgeted programs or processes. Pandemic add/shed/defer efforts at this level may also affect external stakeholders in areas such as the completion of particular licensing actions or the review of specific topical reports.

Level 2 decisions should involve the NRR Leadership Team (LT), which may help provide overall direction for the staff and which performs the task of informing the NRR Office Director of significant work deferrals or program impacts. LT coordination should occur when new work or human resource losses impact the accomplishment of NRR PPFs.

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Level 3: Significant Impact on Budgeted Resources or Workload

The Chairman activates NRC **RESPONSE LEVEL 3** for Headquarters or affected regions. At this level, NRC absenteeism is 41–60 percent at one or more locations. This level of absenteeism indicates that the pandemic significantly exceeded planning assumptions. Elective absenteeism may increase rapidly because of home situations, and community restrictions may become severe. Depending on these and other unpredictable factors, the Chairman may choose to fully activate the COOP.

Pandemic-related losses of resources, increasing shifts in work priorities, or new unbudgeted work significantly challenge the NRR operating plan measures, up to and including the full shedding of all non-PPF work.

Level 3 pandemic add/shed/defer activities will involve upfront communication and coordination among branches, divisions, and offices where applicable. Level 3 decisions should involve the NRR Leadership Team and the NRR Office Director, who may assist in providing overall direction for the staff. Leadership Team and office director coordination should occur when new work or human resource losses impact cross-office programs, subprograms, or processes, or when resources are otherwise shifted across offices (i.e., fungible human resources are shifted between offices to complete PPF tasks).

The Chairman may activate the full COOP for the entire agency at the Level 3 absentee rates (41–60 percent) or if NRC absenteeism is greater than 60 percent at one or more locations.

V.B.5.2 Federal Stage 6

Federal Stage 6 is the recovery stage. At this stage, NRC absenteeism is decreasing but uncertainty remains about another pandemic wave. The Chairman declares **RECONSTITUTION** at once or by levels, depending on conditions.

V.B.5.3 General Priority of Work Tasks during a Federal Stage 5 Pandemic

The following process is provided for prioritizing and adding/shedding/deferring work concerning licensing during a Stage 5 pandemic.

- (1) DORL plant PM receives the issue or licensee request.
- (2) The DORL PM screens and prioritizes the work. If the issue is a safety or grid issue and urgent, the DORL PM will raise the issue to management to discuss resource needs with the Leadership Team if necessary.
- (3) If the issue is a safety or grid issue and not urgent, the DORL PM will arrange to perform the work if resources are available.
- (4) Technical divisions have workloads that are a direct function of work within Associate Director for Operating Reactor Oversight and Licensing (ADRO) divisions related to plant operation and events. As such, the work prioritization within technical divisions will be

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determined by the prioritization of work within ADRO divisions, regarding items such as relief requests, license amendments, and licensee event reports, under pandemic situations.

- (5) Division management assigns staff to PPFs, assigning the highest priority to work that ensures reactor safety and security (i.e., incident response, inspection support, orders, and enforcement actions).
- (6) Division management assigns staff to PPFs of the second highest priority work which is that which keeps the U.S. electric grid operating (i.e., notice of enforcement discretion (NOEDs), emergency technical specification (TS) amendments, exigent amendments, amendments required for plant startups, and exemptions). For the licensing PPF, focus on actions that are submitted as a result of pandemic issues and existing (prepandemic) work that supports continued plant operation and startup from outages. Use backup staff members as needed for this work from the staffing plans of this plan.
- (7) Division management will continue routine existing work to the extent that available resources can support.
- (8) Branch chiefs will delegate work to technical reviewers in their branches based on priorities set by ADRO.
- (9) If the current NRR Center for Planning and Analysis processes can no longer be supported, the DORL and DPR PMs will coordinate the assignment of tasks to the technical staff responsible for licensing issues, as currently performed for emergency TS amendments and NOEDs.
- (10) This process of prioritizing tasks applies to telework. Virtually all PPFs can be performed by telework, with the exceptions described in Section V.B.3 of this plan. See Appendix 4 to the agency plan and NRR's work schedules and programs at <http://nrr10.nrc.gov/nrroffice/work-schedules.html> for scheduling options, such as types of work schedules.
- (11) The checklists in Appendix D summarize activities appropriate for the various levels and are provided for guidance. "Essential Functions," addresses priorities and deferring work. For elements not listed in the checklists, no particular actions are required.

For inspection and enforcement, the color (red, yellow, white) assigned to inspection findings will serve as the prioritization scheme. Depending on resources, work will be accomplished in order of priority, and the less significant items may be deferred. Items will be tracked using the existing infrastructure.

For further details on how to accomplish PPFs efficiently in a pandemic, see Annex A. Inspection activities are explained in more detail in Appendix E to the Inspection Manual Chapter 2515 (ADAMS Accession No. ML062640337).

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V.C DEVOLUTION OF CONTROL/DELEGATION OF AUTHORITY

Pandemic outbreaks will occur at different times, have variable durations, and may vary in severity. Therefore, full or partial devolution of essential functions may be necessary to execute essential functions and services. Devolution planning may need to include rotating operations among regional/field offices as the pandemic wave moves throughout the United States. See the NRC Pandemic Response Plan for further information.

The staff will follow the guidance of ADM-200, Revision 10, "Delegation of Signature Authority," dated January 29, 2007 (or the most current revision). When staff members are unavailable in the office, delegations of authority may be handled via e-mail.

V.D ORDERS OF SUCCESSION

Appendix E to this plan contains the NRR orders of succession chart. This chart is to ensure adequate staff coverage during a pandemic given the expected 40-percent absentee rate. The NRR roster, as well as individual division rosters, list the names of current employees corresponding to the various office positions.

NRR will update this chart quarterly as requested by the NRR Pandemic PM through a yellow ticket. It is expected that the NRR Pandemic PM will work through the division TAs to maintain the staffing plan. Divisions should update the chart as follows:

- (1) Confirm that all division positions are listed and reflect any reorganizations. Update the chart as necessary;
- (2) Confirm that the order of succession is based on maintaining PPFs and consider experience level and the chain of reporting. Update the chart as necessary;
- (3) Fill in current names corresponding to the positions on the NRR roster to a staffing depth of three to five persons; and

When the chart for the division is complete, forward it to the NRR Pandemic PM in PGCB/DPR in accordance with the yellow ticket.

V.E PRIMARY AND ALTERNATE OPERATING FACILITIES

NRR intends to allow telework during a pandemic. It also intends to use remote decisionmaking and work sharing to facilitate out-of-office work.

NRR currently uses remote decisionmaking in orally approving off-hour notices of enforcement discretion (NOEDs). (See NRC RIS 2005-01, "Changes to Notice of Enforcement Discretion (NOED) Process and Staff Guidance," dated February 7, 2005, and NRC Inspection Manual Part 9900 Technical Guidance, "Operations—Notices of Enforcement Discretion," dated December 22, 2004.) In such cases, the NRC operations officer ties in the responsible

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management and technical staff to make timely decisions. This practice will continue for the NOED process during a pandemic.

During remote decisionmaking, NRR may attain concurrences and signatures electronically (via email, verbal, or alternate electronic method). Concurrences will be typed onto the final approved document before issuance.

NRR can coordinate work in two ways. The first and preferred way is to continue to use ADAMS for sharing and processing official agency documents (except for allegations and sensitive security-related documents). If ADAMS accessibility is lost, NRR will process and share its official documents over the NRR network hard drives (i.e., the G drive) and via e-mail. Once ADAMS has been restored and staff available, the backlog of archive documents will be entered into ADAMS, with priority given to publicly available documents.

V.F COMMUNICATIONS

See the NRC Pandemic Response Plan for lists of equipment and capabilities that the agency will use during a pandemic and for the agency's telework plan.

Other Communications

NRR has a pandemic Web page to aid NRR staff in implementing the NRR Pandemic Response Plan. The Web page makes the NRR Pandemic Response Plan and resources associated with implementing it readily accessible to NRR staff in one electronic location. Resources include links to the agency and office pandemic plans, useful contacts, training materials, and useful external sites, such as the governmental sites with pandemic-related information

NRR staff will periodically review and update the NRR pandemic Web page in accordance with ADM-302, "Web Management," Revision 3, or the most current revision.

V.G VITAL RECORDS AND DATABASES

See the COOP, Section IX and Appendix N regarding vital records and databases. NSIR is responsible for ensuring that Emergency Operating Records, as categorized by the National Archives and Records Administration, are reviewed, maintained, and available for use during emergencies at headquarters and the regional offices.

NRR has one emergency operating record: the NRR Pandemic Response Plan. It is unclassified, in paper and computer file format, located at NRC Headquarters, and maintained by NSIR.

V.H HUMAN CAPITAL

NRC's plans for responding to a pandemic depend heavily upon human capital management. NRR managers should be familiar with the many human capital resources and flexibilities that exist to assist management and employees during an activation of the pandemic plan. The

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Office of Personnel Management has updated and developed policies on leave, pay, hiring, alternative work arrangements, and other critical human capital issues related to a pandemic. This information is available under “Human Capital Planning for Pandemic Influenza” at <http://www.opm.gov/pandemic/index.asp>. See the NRC Pandemic Response Plan for a treatment of this information.

Accounting for Staff during a Pandemic

The agency is investigating a uniform employee accountability system. NRR is also investigating its own electronic accountability system. NRR will follow the accountability system specified by the NRC Pandemic Plan.

Employees should call or e-mail their branch chiefs or acting branch chiefs. Acting persons are listed in the Orders of Succession in an appendix to this report. A consolidated office report (the accountability report shown below) should go through the office director to a point of contact (POC) in the Office of Executive Director for Operations (OEDO) designated by the CMT. All staff should be accounted for, either in a category related to work or in a category related to welfare.

The following process should be used for accountability reporting:

- (1) The CMT will determine the frequency, duration, and start of accountability reporting as activated according to the agency plan.
- (2) Each branch staff member reports to his or her branch chief by e-mail or telephone by 10:00 a.m. each workday. Using a staff roster or other list of staff, the branch chief then assigns each of their staff members to one of nine boxes identified on the accountability reporting form (shown below) and calculates the percent absent using the formula on the accountability reporting form. The branch chiefs are designated as POCs to fill in the work categories because they normally assign tasks. Having staff report to them will help branch chiefs allocate work among available staff.
- (3) The division director or his or her designee will ensure that the welfare of each person listed as “unreported” is checked. The division director will assign a person to perform this task depending on the available resources. If at all possible, unreported staff should be contacted to determine whether they need any kind of assistance available from the NRC. Each unreported staff member should be placed in one of the following categories:
 - Contacted
Placed in a work category; no followup needed
Needs followup contact from Employee Assistance
 - Located, not contacted
Continued as “unavailable” and will try to contact again

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- Reported as deceased
- (4) The branch chief or his or her designee delivers the completed accountability report for the branch to the deputy director of the division.
 - (5) The deputy director of the division or his or her designee compiles the information from the accountability report for the division and delivers it to the office director.
 - (6) The office director's designee, typically an office TA or assistant director TA, will calculate the percent absent for NRR and send the information to the OEDO.
 - (7) These instructions regarding staff accountability are to be followed by whoever is the substitute for a given position in the chain of command as provided in the division order of succession plan.
 - (8) Staff members designated to receive reports must forward phones or be able to receive e-mail, as necessary, and must inform those sending reports of their procedures. Absent employees should need only one phone number to call.

ACCOUNTABILITY REPORT

The information in this report should be forwarded to the CMT at a frequency the CMT determines, through an accountability POC to be designated by the OEDO.

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ACCOUNTABILITY REPORTING FORM

Organizational unit _____

Date _____

STATUS	NUMBER	STATUS	NUMBER
A. Working		B. Not working but able	
at NRC or other official location		on leave	
at home		lacks assignments or equipment	
on official travel		able to work part time	
Total		Total	
C. Unable to work		D. Unreported**	
sick, injured, caregiver—no calls*			
sick, injured, caregiver—calls OK			
Total		Total roster for organizational unit	
% ABSENT = 100 x (B + C + D)/TOTAL ROSTER = _____			

- “No calls” = cannot, or should not, be contacted for information or any other reason, but will continue to report status on days specified by CMT.

** Each office (or ad hoc group of offices) should designate an available staff member to check on the welfare of each person listed as “unreported.” To the extent possible, all staff must be accounted for in some manner.

Salary payments can continue with incomplete time and attendance records, but all employees are obligated to maintain personal records that specifically identify the number of hours worked and what work-related activities were performed to permit complete documentation during the agency’s recovery from the pandemic. Note that faxed signatures are valid.

Employees on travel

Appendix 5 to the NRC Pandemic Response Plan discusses procedures for employees on travel. According to that plan, when the CMT meets for the first time, it should direct offices to review all current and scheduled travel and will direct offices to take certain actions. Following the CMT’s direction, branch chiefs, division, and office management should do the following:

- (1) Weigh the benefits to NRC of the travel against risks indicated at the Web site www.pandemicflu.gov.
- (2) Recall persons traveling in high-risk areas, foreign or domestic. Office Program Management, Policy Development and Analysis (PMDA) staff have the best lists of travelers.
- (3) Notify OIP of persons recalled from international travel.

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- (4) Complete vouchers quickly.
- (5) Include the numbers and status of travelers in accountability reports.
- (6) Follow CMT direction on recalling all traveling employees.

V.I TEST, TRAINING, AND EXERCISE

Testing, training, and exercising are essential to assessing, demonstrating, and improving the ability of organizations to maintain their essential functions and services.

NRR divisions are not expected to need to develop retraining or requalification programs because: (1) alternate staff will have, in many cases, worked for the requesting division previously; and (2) detailed guidance, procedures, and the like exist for many PM processes.

NRR will participate in the Pandemic Test, Training, and Exercise Program. NSIR runs this program, which is documented in the NRC Pandemic Response Plan.

To ensure that remote decisionmaking and telework remain viable during a pandemic, key NRR managers and technical staff will support NSIR, ADM, and OIS during yearly remote testing of the NRR PPF support capabilities.

V.J RECONSTITUTION

Reconstitution embodies the ability of an organization to recover from a catastrophic event and consolidate the necessary resources that allow it to return to a fully functional entity of the Federal Government. The goal during the recovery and reconstitution stage is to expedite the return of normal services to the Nation. See Section V.B.5.2 of this plan for a list of actions for the recovery stage.

VI. CONCLUSION

NRR expects this plan to maintain essential functions and services in a pandemic influenza. It is a living document and updated/reviewed annually.

By September 30 of each fiscal year, the NRR Pandemic PM will ensure the following:

- For accountability, the NRR operating plan reflects the pandemic response-related responsibilities.
- NRR staffing plans are updated. (Staffing plans and Orders of Succession to this plan should be revised through a yellow ticket assigned to each NRR division.)
- NRR has participated in the Pandemic Test, Training, and Exercise Program.

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- NRR has conducted an annual review and update of the NRR plan for NRR-related pandemic functions.
- NRR has conducted an annual review of the NRR Pandemic Response Plan to ensure agency readiness.

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Appendix A

Office of Nuclear Reactor Regulation Essential Positions

NRR will need the following staff to perform its PPFs, including enterprise support functions:

- managers/decisionmakers
- licensing assistants
- secretarial staff
- nuclear engineers
- chemical engineers
- mechanical engineers
- materials engineers
- electrical engineers
- instrumentation and control engineers
- quality assurance specialists
- reactor systems engineers
- plant systems engineers
- health physicists
- fire protection engineers
- risk analysts
- dose analysts
- containment and ventilation engineers
- environmental engineers
- technical specifications specialists
- emergency preparedness specialists (NSIR)
- enforcement specialist (Office of Enforcement)
- seismic analysts
- PMs
- telecom and IT specialists
- attorney (Office of the General Counsel)
- information security specialists
- public affairs officer
- contract specialists
- budget specialists
- security specialists (NSIR)

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Appendix B

Staffing Plans

This appendix is provided as a separate enclosure and is not publicly available.

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Appendix C

Work-At-Home Agreement

This form is intended to be standard throughout the U.S. Nuclear Regulatory Commission (NRC) to make it easily transferable during reassignments throughout the agency.

OFFICE OF NUCLEAR REACTOR REGULATION (NRR) VOLUNTARY WORK-AT-HOME PLAN FOR EMERGENCIES

Purpose

To allow [Employee Name] to work on NRC mission critical assignments for an extended period during which the NRC's Headquarters buildings in Rockville, MD, are closed because of natural or human-induced circumstances. For example, this Work-at-Home Plan could be implemented when the National Capitol Region is affected by an influenza pandemic. The employee voluntarily agrees to participate in the program and to adhere to the applicable guidelines and policies. The NRC concurs with employee participation and agrees to maintain a source of policy and status information for employees. The participant recognizes that the Work-at-Home arrangement is not a staff benefit but an additional method the agency may approve to accomplish its mission.

Work Assignments and Monitoring

Work will be assigned and monitored by the [Supervisor's name and title] , or his/her designee. The employee and supervisor will agree on the nature of the work to be completed and the appropriate schedule. The participant will inform [Supervisor's name] by telephone or e-mail weekly, or as agreed, concerning the status of work assignments.

Tasks To Be Performed at Home

This Work-at-Home Plan is intended to ensure that the NRC will be able to maintain its essential functions and services during significant, sustained absenteeism to ensure adequate protection of public health and safety and promote the common defense and security. The [Office] Pandemic Response Plan identifies a set of [Office] functions prioritized in the order that each will be shed or deferred as absenteeism increases. Those that must be maintained at each level of the NRC response will be assigned to the staff available for work, including those working at home. Management reserves the right to alter the participant's established work schedule to accommodate work demands or for any other official purpose.

NRR Priority Activities

The following are considered to be priority activities:

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- supporting agency mission-essential functions identified in the Continuity of Operations Plan (COOP) and the NRC Pandemic Response Plan
- communicating with NRC stakeholders concerning NRR issues
- performing Headquarters and regional event screening
- establishing Headquarters and regional incident response teams
- supporting a joint field office or NRC site team established under the National Response Plan
- establishing remote COOP team
- providing technical and program support for threat analysis
- ensuring safety while responding to licensee exemption, alternatives, and relief requests
- responding to requests from other Federal agencies to support essential government functions
- reviewing and issuing notices of enforcement discretion (NOEDs) or using other regulatory processes to authorize temporary relief of license conditions and technical specifications
- imposing additional requirements necessary to ensure safety and security
- evaluating and inspecting emergent or imminent safety or security events
- overseeing licensed nuclear power plants and research and test reactors
- confirming licensee preparedness for and response to a pandemic
- providing administrative support, including leave administration, correspondence preparation and processing, staffing, information technology support, travel support, contract administration and funds control, and communications

The employee and supervisor will agree on the nature of the work to be completed and the appropriate schedule. All of the work described above is portable or can be done via telephone and e-mail.

Commencement

This Work-At-Home Plan will commence when the Commission determines that Headquarters offices will be closed for a substantial period (e.g., greater than 3 days) for natural or human-induced reasons. The participant will establish space, equipment, and support needs at home

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to facilitate this arrangement. [Office] will work with the Office of Information Services (OIS) to ensure that adequate Citrix access/capability is in place.

Termination

This Work-At-Home Plan will terminate when the Commission determines that the Headquarters offices will reopen for normal business, if not terminated earlier by the division director. For example, if this Work-at-Home Plan is implemented in response to a pandemic, work under the plan will terminate when the Commission determines that the pandemic has subsided and it is safe to resume routine agency business in NRC's Headquarters offices.

Travel

Travel is not expected during the work-at-home period, but may be necessary to support priority functions.

Work Hours

The employee will work full-time as a _____ [Job Title] _____, working _____ [Specify the work schedule and hours] _____.

Overtime

There will be no overtime unless required and authorized by the supervisor or his/her designee to accomplish necessary work assignments.

Equipment

(Employee Name) _____ will use his/her personal computer or NRC laptop and/or e-mail/Web access to do the tasks at home. [In accordance with NRC policy, employees expected to work at and make long distance calls from a remote location should be advised to request a Federal telephone system calling card.]

Reports

(Employee Name) _____ will keep a daily record of work hours and activities. He/she will input hours worked into the Human Resources Management System (HRMS) or will provide his/her time and attendance inputs by telephone or by e-mail and will subsequently sign the HRMS timesheet.

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Final Evaluation of Work-At-Home Program

As provided by agency policy, upon completion or termination of this program, ____ (Employee Name) ____ and his/her supervisor will provide the Office of Human Resources an evaluation of their experiences under the program.

Supervisor _____ Date: _____

Division Director _____ Date: _____

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Appendix D

Checklists

Checklist for
Federal Stage 5, Level 0

ELEMENT	ACTIONS
Plans and Procedures	Review office plans and procedures and fully implement. Be familiar with agency plan. (branch chief (BC), division director (DD), office director (OD))
Essential Functions	<p>Review general work priorities of a Stage 5 pandemic in Section V.B.5.2 of this plan with branch staff. (BC)</p> <p>Using existing processes, defer nonessential WITS/green ticket/yellow ticket deadlines beyond the 6–8 week pandemic window. (BC)</p> <p>Establish contact with supervisor and backup individuals designated in staffing plans. (BC)</p> <p>Identify work during the 6–8 week pandemic window that could impact electric grid operation. (BC)</p> <p>Accomplish branch-chief-level actions for directly supervised division staff. (DD)</p> <p>Monitor branch chief pandemic response. (DD)</p> <p>Communicate priority work that requires coordination across divisions. (DD)</p> <p>Confirm that backups for key functions are located. (DD)</p> <p>Accomplish branch-chief-level actions for directly supervised front office staff. (OD)</p> <p>Accomplish office-director-level actions of the NRC Pandemic Response Plan. (OD)</p> <p>Authorize the use of regulatory relief (Appendix G). (OD)</p>
Orders of Succession	Check the order of succession is current (Appendix E). (BC, DD, OD)
Human Capital	<p>Practice and reemphasize with branch staff the flu preventive measures described in Section V.B.5 of this plan. (BC)</p> <p>Start accountability reporting according to Section V.H of this</p>

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	<p>plan. (BC, DD, OD)</p> <p>Provide feedback to the staff on agency pandemic response. (BC, DD, OD)</p> <p>Make preliminary telework estimates and preparations. Prioritize tasks eligible for telework and estimate number of users. Identify important tasks (if any) that require working on site and are ineligible for telework.</p> <p>Confirm/adjust prioritized tasks eligible for telework and estimate number of users and work required on site for division. (DD, OD)</p> <p>Regarding traveling employees, follow the process provided under Section V.H of this plan. (BC, DD, OD)</p>
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Checklist for Federal Stage 5, Level 1

ELEMENT	ACTIONS
Plans and Procedures	Review office plans and procedures and fully implement. Be familiar with agency plan.
Essential Functions	<p>Using Appendix B, ensure that branch support is specifically identified for the following PPF activities: (BC)</p> <ul style="list-style-type: none"> • Inspection—technical support to regional safety/security issues, programmatic support to regions per pandemic inspection manual chapter • Enforcement—all NOED and safety/security orders • Licensing—exigent amendments, emergency TS amendments, actions affecting plant startup <p>Assign non-PPF work to available staff. (BC)</p> <p>Document, to the extent practical, work that is deferred because of resource unavailability. (BC)</p> <p>Report periodically the status of branch PPF work. (BC)</p> <p>Accomplish branch-chief-level actions for division staff directly supervised. (DD)</p> <p>Coordinate and report status of division PPF work (Director/DORL for licensing PPF and Director/DIRS for inspection and enforcement PPF). (DD)</p>
Orders of Succession	<p>Check branch order of succession (Appendix A) and communicate availability to the division director. (BC)</p> <p>Check the division order of succession (Appendix E) and communicate availability to the office and branch level. (DD)</p>
Human Capital	<p>Continue accountability reporting according to Section V.H of this plan. (BC, DD, OD)</p> <p>Begin to implement telework. Process telework requests for absent staff. (BC, DD, OD)</p> <p>For traveling employees, follow the process described in Section V.H of this plan. (BC, DD, OD)</p> <p>Review returning travelers individually to determine suitability for work. Incorporate screening if implemented for entry to the NRC. (BC, DD, OD)</p>

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	<p>Provide feedback to the staff on agency pandemic response. (BC, DD, OD)</p> <p>Continue to emphasize flu preventive measures. (BC, DD, OD)</p>
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Checklist for Federal Stage 5, Level 2

ELEMENT	ACTIONS
Plans and Procedures	Review office plans and procedures and fully implement. Be familiar with agency plan.
Essential Functions	<p>Using Appendix B, ensure that branch support is specifically identified for the following PPF activities: (BC)</p> <ul style="list-style-type: none"> • Inspection—technical support to regional safety/security issues, programmatic support to regions per pandemic inspection manual chapter • Enforcement—all NOED and safety/security orders • Licensing—exigent amendments, emergency TS amendments, actions affecting plant startup <p>Document, to the extent practical, work that is deferred because of resource unavailability. (BC)</p> <p>DORL to contact licensees daily and ask licensees for non-PPF priorities. DPR to communicate with NEI if appropriate. Report to DORL and DPR directors. (BC)</p> <p>Report periodically the status of branch PPF work. (BC)</p> <p>Assign non-PPF work to available staff. (BC)</p> <p>Accomplish branch-chief-level actions for directly supervised division staff. (DD)</p> <p>Coordinate and report status of division PPF work (Director/DORL for licensing PPF and Director/DIRS for inspection and enforcement PPF). (DD)</p> <p>Coordinate non-PPR licensee priorities such that all elements of office are supporting the identified work. (DD)</p> <p>Report PPF work and priority non-PPF work that cannot be accomplished to office director/ET level. (DD)</p> <p>Accomplish branch-chief-level actions for directly supervised front office staff. (OD)</p> <p>Monitor, screen, and report as appropriate status of office PPF and non-PPF work. (OD)</p>

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	<p>Accomplish office director actions of the NRC Pandemic Response Plan. (OD)</p> <p>Report PPF work and priority non-PPF work that cannot be accomplished to the agency level. (OD)</p> <p>Report status of enterprise support functions to CMT accountability POC. (NSIR will define "status" for reporting purposes.) (OD)</p>
Orders of Succession	<p>Check branch order of succession (Appendix E) and communicate availability to the division director. (BC)</p> <p>Check the division order of succession (Appendix E) and communicate availability to the office and branch level. (DD)</p>
Human Capital	<p>Continue to emphasize flu preventive measures. (BC, DD, OD)</p> <p>Continue accountability reporting according to Section V.H of this plan. (BC, DD, OD)</p> <p>Process telework requests for absent staff. (BC, DD, OD)</p> <p>Regarding traveling employees, follow the process provided in Section V.H of this plan. (BC, DD, OD)</p> <p>Review returning travelers individually to determine suitability for work. Incorporate screening if implemented for entry to the NRC. (BC, DD, OD)</p> <p>Provide feedback to the staff on agency pandemic response. (BC, DD, OD)</p>

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Checklist for Federal Stage 5, Level 3

ELEMENT	ACTIONS
Plans and Procedures	Review office plans and procedures and fully implement. Be familiar with agency plan.
Essential Functions	<p>Using Appendix B, ensure that branch support is specifically identified for the following PPF activities: (BC)</p> <ul style="list-style-type: none"> • Inspection—technical support to regional safety/security issues, programmatic support to regions per pandemic inspection manual chapter • Enforcement—all NOED and safety/security orders • Licensing—exigent amendments, emergency TS amendments, actions affecting plant startup <p>Document, to the extent practical, work that is deferred because of resource unavailability. (BC)</p> <p>DORL to contact licensees daily and ask licensees for non-PPF priorities. DPR to communicate with NEI if appropriate. Report to DORL and DPR directors. (BC)</p> <p>Assign non-PPF work to available staff. (BC)</p> <p>Report periodically the status of branch PPF work. (BC)</p> <p>Accomplish branch-chief-level actions for division staff directly supervised. (DD)</p> <p>Coordinate and report status of division PPF work (Director/DORL for enforcement and licensing PPF and Director/DIRS for inspection PPF). (DD)</p> <p>Coordinate non-PPF licensee priorities such that all elements of office are supporting the identified work. (DD)</p> <p>Report PPF work and priority non-PPF work that cannot be accomplished to office director/ET level (DD) and agency level. (OD)</p> <p>Accomplish branch-chief-level actions for directly supervised front office staff. (OD)</p> <p>Monitor, screen, and report as appropriate status of office PPF and non-PPF work. (OD)</p>

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	<p>Accomplish office director actions of the NRC Pandemic Response Plan. (OD)</p> <p>Report status of enterprise support functions to CMT accountability POC. (NSIR will define “status” for reporting purposes.) (OD)</p> <p>Support full COOP activities if activated. (BC, DD, OD)</p>
Orders of Succession	<p>Check branch order of succession (Appendix E) and communicate availability to the division director. (BC)</p> <p>Check the division order of succession (Appendix E) and communicate availability to the office and branch level. (DD)</p>
Communications	<p>Determine if staffing should provide for increased communications workload with licensees. (BC)</p>
Human Capital	<p>Continue to emphasize flu preventive measures. (BC, DD, OD)</p> <p>Continue accountability reporting according to Section V.H of this plan. (BC, DD, OD)</p> <p>Process telework requests for absent staff. (BC, DD, OD)</p> <p>Regarding traveling employees, follow the process provided in Section V.H of this plan. (BC, DD, OD)</p> <p>Review returning travelers individually to determine suitability for work. Incorporate screening if implemented for entry to the NRC. (BC, DD, OD)</p> <p>Provide feedback to the staff on agency pandemic response. (BC, DD, OD)</p>

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If the Chairman activates a **FULL COOP** for the entire agency, the following checklist applies for all levels of management:

ELEMENT	ACTIONS
Plans and Procedures	Follow the NRC COOP.
Essential Functions	<p>In addition, maintain the following functions that may be unique to a pandemic situation:</p> <ul style="list-style-type: none"> • Monitor emergent risk-significant conditions. • Assist with licensee requests for regulatory relief. • Verify status of support contractors. • Assist in review and resolution of major safety/security events. • Coordinate baseline inspection oversight with regions. • Coordinate reactive inspection oversight with regions.
Human Capital	<p>Monitor NRC medical situation and capabilities for staff replacement.</p> <p>Periodically verify availability and usability of emergency transportation.</p> <p>Plan relief shifts and support for projected length of pandemic wave.</p> <p>Regarding traveling employees, follow the process provided in Section V.H of this plan.</p> <p>Review returning travelers individually to determine suitability for work. Incorporate screening if implemented for entry to the NRC.</p>

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The following checklist is appropriate for the recovery stage (Stage 6) for all management levels:

ELEMENT	ACTIONS
Plans and Procedures	<p>Follow the NRC COOP.</p> <p>Review office and agency plans for lessons learned and update to prepare for next wave.</p>
Essential Functions	<p>Restore shed activities generally, but not necessarily, in reverse order. Reprioritize tasks consistent with interoffice needs and administrative support needs. Consider placement of recovered (and therefore immune) staff.</p> <p>Modify due dates for green tickets, yellow tickets, and WITS using established processes.</p> <p>Coordinate with regions to assess path forward on baseline inspection program.</p> <p>Discontinue the use of Annex A regulatory relief.</p> <p>Review essential positions, skills, and staff and continue to train, identify, and as necessary, augment with backup staff.</p> <p>Develop task log to show add/shed and brief end-of-day status.</p>
Devolution of Control/Delegation of Authority	Review and update delegations of authority.
Orders of Succession	Review and update order of succession.
Communications	<p>Ensure that stakeholders affected by work shed/deferral decisions (verbal and in writing) are informed.</p> <p>Update Web site with latest pandemic information.</p>
Human Capital	<p>Implement workforce guidelines to prevent or minimize workplace exposure.</p> <p>Continue telework.</p> <p>Continue accountability reporting.</p>
Reconstitution	<p>Prepare for the next pandemic wave.</p> <p>Analyze the operating plan for impacts on measures and differentials to targets.</p> <p>Develop a get-well strategy for out-of-specification operating plan metrics.</p>

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	<p>Develop an office summary that describes resource needs or exceeded thresholds.</p> <p>Inform OEDO of a get-well plan and reallocate resources per established OCFO thresholds.</p> <p>Communicate to the DEDO/EDO quarterly NRR performance.</p> <p>Conduct a simplified pandemic lesson learned review.</p>
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Appendix E

Office of Nuclear Reactor Regulation Orders of Succession

This appendix is provided as a separate enclosure and is not publicly available.

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Appendix F

**Necessary Files, Documents, Computer Software, and Databases for
Pandemic Priority Function Performance**

Necessary Items	Maintained By
Agencywide Documents Access and Management System (ADAMS)	Office of Information Services (OIS)
Office of Nuclear Reactor Regulation (NRR) Network Drives	OIS/Office of Administration/ NRR
Outlook E-mail	OIS
Human Resources Management System	OIS
Time, Resource and Inventory Management	OIS
Web Services	OIS
Reactor Program System	OIS

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Appendix G

Regulatory Relief

Organization	Specific Proposal Description	Status

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Appendix H Acronyms

ADAMS	Agencywide Documents Access and Management System
ADM	Office of Administration
ADRO	Associate Director for Operating Reactor Oversight and Licensing
BC	branch chief
CFR	<i>Code of Federal Regulations</i>
CMT	COOP Management Team
COOP	continuity of operations
DD	division director
DHS	Department of Homeland Security
DIRS	Division of Inspection and Regional Support
DORL	Division of Operating Reactor Licensing
DPR	Division of Policy and Rulemaking
EDO	Executive Director for Operations
ET	Executive Team
HOO	Headquarters Operations Officer
HRMS	Human Resources Management System
IT	information technology
NEI	Nuclear Energy Institute
NOED	notice of enforcement discretion
NRC	U.S. Nuclear Regulatory Commission
NRR	Office of Nuclear Reactor Regulation
NSIR	Office of Nuclear Security and Incident Response
OCFO	Office of the Chief Financial Officer
OD	office director
OEDO	Office of Executive Director for Operations
OIP	Office of International Programs
OIS	Office of Information Services
PGCB	Generic Communications and Power Uprate Branch
PM	project manager
PMDA	Program Management, Policy Development and Analysis
POC	point of contact
PPF	pandemic priority function
PRP	Pandemic Response Plan
RES	Office of Nuclear Regulatory Research
RI	resident inspector
RIS	regulatory information summary
TA	technical assistant
TS	technical specification
WITS	work item tracking system

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Appendix I

References

Title 10, Part 50, "Domestic Licensing of Production and Utilization Facilities," of the *Code of Federal Regulations*.

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U.S. Nuclear Regulatory Commission, ADM-302, "Web Management," Rev. 3, ADAMS Accession No. ML071630011.

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U.S. Nuclear Regulatory Commission, Management Directive 3.53, "NRC Records Management Program."

U.S. Nuclear Regulatory Commission, "NRC Pandemic Response Plan," not publically available.

Web sites:

<http://www.opm.gov/pandemic/index.asp>

<http://www.pandemicflu.gov>

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ANNEX A REGULATORY RELIEF

A primary objective of the NRC during a pandemic is to protect the public health and safety by ensuring the safety and security of nuclear operations. The NRC is working with the NEI to determine how and to what extent the NRC may authorize appropriate regulatory relief during a pandemic without compromising the safety or security of nuclear operations. An appendix to this plan will track specific pandemic-related regulatory improvements. This annex will discuss regulatory relief provisions as they are developed; currently it discusses how to efficiently carry out PPFs.

1. Licensing Pandemic Priority Function

1.1 Emergency Technical Specifications/Exigent Technical Specifications

The process for processing licensing amendments is described in LIC-101, "License Amendment Review Procedures," (ADAMS Accession No. ML040060258). NRR plans to use that process as efficiently as possible as summarized below.

Emergency Technical Specifications

During a pandemic, the number of exigent or emergency TS amendment requests associated with reduced plant staffing capabilities may increase. The fastest way to issue an amendment is to issue an emergency amendment under Title 10 of the *Code of Federal Regulations (10 CFR)*, Section 50.91(a)(5). The licensee's amendment request must explain why the emergency situation occurred and why it could not avoid the situation, and the staff must determine, and document in the safety evaluation that the licensee has not abused the emergency provision.

Exigent Amendments

During a pandemic, if a licensee submits a license amendment request involving no significant hazards with a needed date of more than 7 days but less than 4 or 5 weeks in the future, the office should process the request pursuant to the exigent circumstances provisions of 10 CFR 50.91(a)(6). The most commonly employed notice process under exigent circumstances, defined in 10 CFR 50.91(a)(6)(i)(A), permits a shortened period of public notice in the *Federal Register*. The regulation authorizes prior *Federal Register* notice of at least 2 weeks. The licensee's amendment request must explain the exigency and why the licensee cannot avoid it. However, if the *Federal Register* support ceases during a pandemic, the NRR staff may need to use the alternate method for prior notice of exigent amendments described in 10 CFR 50.91(a)(6)(i)(B). This second authorized method of prior notice of an exigent amendment application involves use of local media to provide reasonable notice to the public in the area of the licensee's facility. The standard practice for this alternative has been to advertise in local newspapers. The NRC process to prepare an announcement, receive concurrences, and arrange funding normally requires at least 2 to 3 days. Newspapers usually require receipt of the announcement 2 working days before publication. Allowing for a comment

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period of several workdays results in a minimum time of approximately 7 workdays from the submittal of the request to the issuance of the license amendment.

Concurrence on License Amendments

The persons currently required to concur on a license amendment before its issuance include the technical branch chief, the project branch chief, the project manager, and a licensing assistant. Licensing assistant concurrence on amendments is intended to ensure uniformity and consistency and to ensure that the package is complete and in the correct format for text and graphics and that all the required steps have been completed. Though not the preferred approach, this concurrence step may be eliminated in a pandemic, if necessary.

Issuing Amendments

In accordance with 10 CFR 50.91(a)(4), when the staff has made a final no significant hazards determination under the process for issuing emergency or exigent amendments, the amendment will be effective upon issuance, even if adverse public comments are received and/or a hearing is requested.

1.2 Exemptions

The NRC staff supports processing exemptions for pandemic-related requests and currently follows the well-defined process in 10 CFR 50.12, "Specific Exemptions," that provides for addressing "temporary" circumstances

1.3 Signature Authority for Amendments

Currently, the lowest ranked management position may authorize the issuance of amendments. No nonmanager or nonacting manager will issue amendments to licensees.

2. Enforcement Pandemic Priority Function

The primary function of NRR under the enforcement PPF is the implementation of the NOED process. During a pandemic, the number and complexity of NOEDs requested may significantly increase, and it is expected that fewer NRR staff will be available to process NOEDs. NRR plans to use its NOED process as efficiently as possible as summarized below.

2.1 Pandemic Notice of Enforcement Discretion Process Guidance

To the extent possible, the office should follow the guidance in NRC Inspection Manual Part 9900, which contains criteria for granting or denying a regular or weather-related NOED. NRC senior management (e.g., the leadership or executive team) will enact any deviations in policy.

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2.2 Minimum Actions (Process)

In addition to the NOED request call, it is recommended that NRC staff (NRR decisionmaker, regional decisionmaker, project liaison, and risk analyst) conduct one status call with front-line licensee staff to ensure that all evaluation criteria in the NRC Inspection Manual are addressed, documented properly, and followed in a timely manner.

2.3 Evaluation Criteria

Satisfaction of the 12 (13 for severe weather-related requests) evaluation criteria should be clear, concise, and adequately justified. Based on operating experience, the following topics often require further clarification and discussion with licensees:

- clear assessment of the situation or circumstances, including the specific action for which the licensee is requesting enforcement discretion;
- determination of the likely problem and defined path for successful resolution; and
- safety significance as determined by probabilistic risk assessment, quantitatively and qualitatively, for a snapshot of the entire plant, including the affected system.

2.4 Staff Requirements

In the event of reduced staffing, NRR must adequately support the following four functional areas for effective and efficient processing:

- (1) regional decisionmaking (typically the cognizant regional administrator, who may delegate authority to the regional director, Division of Reactor Projects)*;
- (2) NRR decisionmaking (typically the assigned project director for the plant)*;
- (3) liaison to keep process moving forward (typically, an NOED process expert or plant-specific Division of Operating Reactor Licensing project manager); and
- (4) technical support (typically, an NRR risk analyst).

*However, in extreme circumstances, only the Regional and NRR decision-makers are necessary.

2.5 Interactions/Meetings

In addition to the necessary call for requesting an NOED, operating experience has shown that, while optional, a call between the NRC and the front-line plant operations licensee staff has been extremely helpful in achieving open communication to determine the nature of a potential NOED request. Status calls, as appropriate, are helpful as well.

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2.6 Processing Time

If the volume of requests is such that the NRC staff cannot review and approve all licensee requests in a timely fashion, the staff will obtain the safety-significant information from the licensee to enable it to make a prompt initial assessment. While the Inspection Manual presents specific timelines (e.g., 48 hours), emphasis should be placed on ensuring that correspondence and documentation is complete, timely, and accurate in providing the proper bases for NRC safety decisionmaking.

3. Inspection Pandemic Priority Function

During a pandemic, one of the NRC staff's primary goals is to ensure appropriate resident inspector coverage at all of the sites. This coverage would allow the NRC to stay abreast of the industry pandemic response capabilities and plant safety. Assuming a 40-percent reduction in staff, regional-based inspectors may be needed to supplement the resident inspector staffing. The specific situations at each site (e.g., plant status, transportation limitations, pandemic risk, etc) will be evaluated by the regional administrator to determine appropriate resident inspector site staffing.

Planned special inspections during a pandemic should be evaluated by the regional administrator against the specific situations and risks at the site to determine if they should be delayed.

Adequate resources for the routine Baseline Inspection Program may not be available, or it may not be appropriate to conduct scheduled baseline inspections a particular site. Therefore, NRR has developed the following Appendix E, "Inspection Program Modifications during a Pandemic," to the NRC Inspection Manual, MC 2515, "Light-Water Reactor Inspection Program—Operations Phase," dated January 26, 2007 (ADAMS Accession No. ML062640337).

The issue of whether NRC staff should have unfettered access is addressed by existing regulations. The definition of "unfettered access" is defined in 10 CFR Part 50.70 (3):

The licensee or construction permit holder shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Administrator as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.