July 14, 2009

MEMORANDUM TO: Martin C. Murphy, Chief
Generic Communications and Power Uprate Branch
Division of Policy & Rulemaking
Office of Nuclear Reactor Regulation

FROM: Lee Banic, Project Manager ***/RA by MMurphy for/***
Generic Communications and Power Uprate Branch
Division of Policy & Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC MEETING ON NUCLEAR ENERGY INSTITUTE (NEI'S) PANDEMIC LICENSING PLAN WITH INDUSTRY REPRESENTATIVES

On June 18, 2009, the U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Reactor Regulation pandemic working group and industry representatives held a public meeting at NRC headquarters. A public meeting notice was issued on April 14, 2009, and posted on the NRC's external (public) web page (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090990063). The purpose of the meeting was for NEI to present its Pandemic Licensing Plan, (referred to below as "the plan") Revision 2. NEI's desired outcome was to come to a common understanding of the purpose and objectives of NEI's Pandemic Plan and the actions and steps to complete the plan.

Enclosure 1 is a list of attendees and Enclosure 2 is the agenda.

NEI provided a handout, "NRC/NEI Meeting on Pandemic Planning," (ADAMS Accession No. ML091760681). This handout addresses the objectives of the Plan, major changes in response to NRC comments, the pandemic response trigger, exemption request template, and next steps.

The major changes in Revision 2 are deletions of the proposals for an enforcement discretion policy and N-1 staffing, clarified triggering, reduced relief categories from three to two, and standardized formats for requesting regulatory relief. Regarding triggering, NEI stressed that licensees would not self declare a pandemic, but follow the declaration by a Federal or State authority.

The exemption template was put forth as an example of a standardized format which could be used for the requirements listed in Table 1 of the plan. Licensees would request relief from a specified set of administrative requirements that do not directly affect operational safety; programs, oversight, training, reporting, and record-keeping.

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NEI considers that using the exemption template to defer certain requirements in a pandemic a useful way to reduce burden. Discussion focused on what the template should contain and process for using it. Some points discussed were: need for justifications for the different areas of relief; definition of a time period; the treatment of pandemic waves; tracking affected items; and timing of requesting relief.

NEI raised the question of whether this approach would require a policy change. NRC stated that it would need to be assessed. The possibility of NEI sending in a topical report and having it approved was discussed as a way of using an existing process and obviating the need to change our policy. It was postulated that by invoking the topical report process, a licensee could reduce the size of exemption packages. This idea was received favorably. NRC stated that it needs to evaluate whether a topical report would indeed be appropriate or whether some other existing process would be more appropriate and the resources required.

NEI proposed a schedule for the next steps on its last slide. It will continue to work on Revision 2 of the plan and standardized formats, incorporate industry comments, and submit to NRC for review in August. NRC indicated that the dates appeared optimistic.

Actions resulting from this meeting are that NEI and NRC would look into the use of a topical report and/or other existing similar process, develop a revised timeline, and inform each other of the solution. NEI will submit the latest table listing requirements for which it desires relief in the near future to familiarize us with the areas for relief.

Enclosures: As stated

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Enclosures: As stated

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**ADAMS Accession No: Memo: ML091820389 (Package): ML091880209**
**Handout: ML091760681**

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|---|---|---|---|
| NAME | CHawes | MBanic (MMurphy for) | MMurphy |
| DATE | 07/08/09 | 07/14/09 | 07/14/09 |

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SUBJECT: SUMMARY OF PUBLIC MEETING ON NEI'S PANDEMIC LICENSING PLAN WITH INDUSTRY REPRESENTATIVES, DATED

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JUNE 18, 2009, PUBLIC MEETING BETWEEN THE NRC PANDEMIC WORKING GROUP

AND THE NUCLEAR ENERGY INSTITUTE (NEI) ON

NEI'S PANDEMIC RESPONSE PLAN

| NAME | COMPANY/ORGANIZATION |
|---|---|
| 1. Mike Schoppman | NEI |
| 2. Jeannie Rinkel | NEI |
| 3. William Horin | Winston and Strawn |
| 4. Dennis Egan | NRC |
| 5. Patrick Moulding | NRC |
| 6. William Cartwright | NRC |
| 7. Merrilee Banic | NRC |
| 8. Martin Murphy | NRC |
| 9. Leslie Terry | NRC |
| 10. Robert Pettis | NRC |
| 11. Les England | Entergy |
| 12. Michael Richardson | STARS |
| 13. Deann Raleigh | Curtiss Wright (on bridge line) |
| 14 R. D. Mothena | FPL (on bridge line) |
| 15. See Meng Wong | NRC (on bridge line) |
| 16. Ned Tyler | Calvert Cliffs (on bridge line) |
| 17. Peter Crinigan | Calvert Cliffs (on bridge line) |

ENCLOSURE 1

AGENDA

FORTHCOMING PUBLIC MEETING
ON THE NUCLEAR ENERGY INSTITUTE'S (NEI'S) PANDEMIC LICENSING PLAN
WITH INDUSTRY REPRESENTATIVES

June 18, 2009

| **Time** | **Topic** | **Lead** |
|---|---|---|
| 9:00 | Introductory Remarks | NRC/NEI |
| 9:15 | Discussion | NRC/NEI |
| 10:45 | Opportunity for Public Comment | NRC |
| 11:00 | Adjournment | |

ENCLOSURE 2