



1/26/2010  
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NUCLEAR ENERGY INSTITUTE

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2010  
January 22, 2009

Chief, Rulemaking and Directives Branch  
Division of Administrative Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Mail Stop TWB-05-B01M  
Washington, DC 20555-0001

12/09/09  
74 FR 65165  
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**Subject:** Industry Comments on NRC Regulatory Issue Summary 2009-XX; Monitoring the Status of Regulated Activities During a Pandemic (74 *Federal Register* 65166; December 9, 2009)

**Project Number: 689**

The Nuclear Energy Institute (NEI)<sup>1</sup> is pleased to provide comments on NRC Regulatory Issue Summary 2009-XX; Monitoring the Status of Regulated Activities During a Pandemic.

The industry appreciates the NRC's continuing efforts to prepare for and refine the agency's response in the event of a pandemic outbreak. We concur that the NRC must be ready to respond quickly to conditions that may arise as a result of a pandemic that could impact regulated activities directly or indirectly as a result of critical sector effects including reliability of the electric grid. Similar to the NRC's efforts, the nuclear industry has prepared extensive plans for business continuity during pandemic situations.

The industry concurs with the approach of requesting licensees to voluntarily inform the NRC staff through routine business contacts of any potential impacts arising from a pandemic situation. This will allow for the gathering of information on an ongoing basis in order for the NRC to be prepared to respond quickly to requests for regulatory action. Further, this approach will assure minimal distraction of ongoing operational activities as these routine contacts are already so structured.

The industry believes that this RIS is a positive step in developing communication and response mechanisms in the event of a pandemic. The industry and the NRC acknowledge the potential need

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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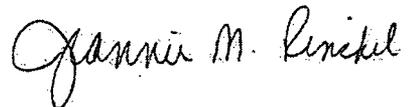
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to pursue timely regulatory action in circumstances in which licensee and NRC staffing may be challenged. However, we believe that there are significant opportunities for the NRC and licensees to develop, in advance, processes and mechanisms that will assist in prompt regulatory action in spite of staffing challenges resulting from natural emergencies including, but not limited to, a pandemic situation. Discussions to this end have been ongoing intermittently with the NRC, and we encourage the rededication of the NRC and the industry efforts to establish response protocols that can be used (as provided for by the NRC's regulations) to address anticipated as well as unanticipated conditions which might challenge continued plant operations.

If you have any questions regarding the above comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jeannie M. Rinckel". The signature is written in black ink and is positioned above the printed name.

Jeannie M. Rinckel

c: NRC Document Control Desk