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April 23, 2020

Mr. Ho K. Nieh
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Request for regulatory relief from selected Fire Protection Program Elements due to ongoing pandemic

Project Number: 689

Dear Mr. Nieh,

The Nuclear Energy Institute (NEI)¹, on behalf of its members, wishes to inform you of the need for regulatory relief on several fire brigade issues arising from the public health emergency associated with the COVID-19 pandemic.

As you know, on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the Coronavirus Disease 2019 (COVID-19). On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. On March 19, 2020, the U.S. Department of Homeland Security issued its "Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response," which identified workers needed for safe and secure operations at nuclear generating stations as essential critical infrastructure workforce.

Stations have implemented a variety of actions to maintain Centers for Disease Control and Prevention recommendations related to social distancing, worker screening, and limiting close-proximity work. Given the COVID-19 challenge in the local community, stations have deferred, or are considering deferring, actions

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

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that increase the COVID-19 risk to the plant worker and local community, such as periodic drills, live fire exercises² and fire brigade physicals³. These are described in the attachment to this letter.

NEI respectfully requests the NRC staff to review and approve the options for industrywide regulatory relief during the COVID-19 PHE for these fire protection issues presented in the attachment. Issuance of an industry-wide regulatory relief is warranted provided the station demonstrates a need, and is appropriate due to the variety of licensing basis in industry. The approach presented in the attachment is similar to that taken for granting COVID-19-related relief for work hour rule, operator licensing and security officer training requirements.

If you have any questions, please contact Justin Wearne at (202) 739-8087 or jmw@nei.org, or me.

Sincerely,



Thomas Basso

Attachment

c: Mike Franovich, Director, Division of Risk Assessment, NRR
Jennifer Whitman, Chief, PRA Licensing Branch B, NRR

² "Live fire" exercises are conducted at offsite facilities that are certified per NFPA 1403, "Standard on Live Fire Training Evolutions." These facilities are currently closed as a non-essential business as part of states' COVID-19 response. These facilities are used by the broader fire protection community beyond just the operating nuclear power plants. It is anticipated that there will be a "bow wave" of organizations that need to conduct their live fire exercises.

³ Fire brigade physicals are medical examinations of the candidate that cannot be done under current social distancing and personnel protective guidelines and need for medical personnel to focus on COVID-19 patient demands.

Attachment

The following tables articulate the three areas that NEI has identified as needing regulatory relief.

Fire Brigade Physical			
NFPA 805, 2001¹	Appendix R²	BTP CMEB 9.5.1³	Attachment A to BTP APCS 9.5-1⁴⁵ ASB 9.5-1
3.4.1(e) Each industrial fire brigade member shall pass an annual physical examination	H. <i>Fire brigade</i> The qualification of fire brigade members shall include an annual physical examination...	C.1.a(5) The fire brigade members' qualifications should include satisfactory completion of a physical examination for performing strenuous activity, and of the fire brigade training described in Position C.3.d	Requirements are contained in the August 8, 1977, Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance ⁶ Section 2.0 (b) The fire brigade members qualifications should include satisfactory completion of a physical examination for performing strenuous activity.
Problem	Social distancing requirements and unavailability of medical physicians (busy with pandemic response) challenge the ability to complete annual fire brigade physical examinations.		

¹ National Fire Protection Association Standards Council Standard 805, "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants, 2001 Edition," approved January 13, 2001.

² Code of Federal Regulations, Title 10, Part 50, Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979."

³ NRC Branch Technical Position CMEB 9.5-1, "Guidelines for Fire Protection for Nuclear Power Plants."

⁴ APPENDIX A To Branch Technical Position APCS 9.5-1 "GUIDELINES FOR FIRE PROTECTION FOR NUCLEAR POWER PLANTS DOCKETED PRIOR TO JULY 1, 1976" (AUGUST 23, 1976) ML070660458

⁵ BTP APCS 9.5-1 section 6.e.4 states NFPA No. 27. "Private Fire Brigade," should be followed in organization, training, and fire drills. NFPA 27-1975 section 33 "Physical Requirements" states "Minimum physical requirements should be established. A periodic physical examination is desirable."

⁶ The document is listed as GL 77-02 and available at <https://www.nrc.gov/about-nrc/fire-protection/related-info/gen-letters.html>

Remedy	<p>Similar to the April 14, 2020, NRC exemption letter for Operator License issues⁷, industry proposes suspending the requirement for annual fire brigade physicals until 90 days after the end of the PHE or December 31, 2020 by performing health screening. A proposed compensatory action is:</p> <p><i>The licensee shall document measures that the facility licensee is using to address delay in receipt of recommendations from a licensed physician concerning the fire brigade members' health. For example, the facility licensee, in coordination with the individual, might elect to have the individual partially examined, e.g., an assessment of the individual's responses on a standard-based questionnaire about medical history without an in-person examination while availability of physicians is challenged by the pandemic response.</i></p>
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⁷ NRC letter from Mr. Ho. K. Nieh to Dr. Jennifer L. Uhle (NEI), "U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Operator Licensing During the Coronavirus Disease 2019 Public Health Emergency", April 14, 2020, ADAMS ML20104C071.

Fire Brigade Drills			
NFPA 805, 2001	Appendix R	CMEB 9.5.1	Attachment A to BTP APCSB 9.5-1 ASB 9.5-1
<p>3.4.3 (c)(1)</p> <p>Drills shall be conducted quarterly for each shift to test the response capability of the industrial fire brigade.</p> <p>NFPA 600 5-2.2 All industrial fire brigade members shall participate in a drill at least semi-annually</p>	<p>I.3.b. Drills shall be performed at regular intervals not to exceed 3 months for each shift fire brigade. Each fire brigade member should participate in each drill, but must participate in at least two drills per year.</p>	<p>6(e)(2) Such training can only be accomplished by conducting drills several times a year (at least Quarterly)...</p> <p>3.d.(7) Drills (b) Drills shall be performed at regular intervals not to exceed 3 months for each shift fire brigade. Each fire brigade member should participate in each drill, but must participate in at least two drills per year.</p>	<p>5 (b) Such training can only be accomplished by conducting drills several times a year (at least quarterly)</p>
Problem	<p>The concept of social distancing cannot be readily applied to fire brigade drills, which require brigade members to work more closely together to perform their duties.</p>		
Remedy	<p>Similar to the April 14, 2020 NRC exemption letter for Operator License issues, industry proposes suspending the requirement for quarterly, or every three-months, fire brigade drills and will resume periodic drills the quarter following termination of the PHE or December 31, 2020, whichever comes first, provided the station adopts an alternative training program. A proposed compensatory action is:</p> <p style="text-align: center;"><i>The licensee shall modify its Fire Brigade Drill training program so that it will provide means other than typical face-to-face, close-quarter drills for training and evaluations of Brigade knowledge, skills, and abilities for the duration of the PHE.</i></p>		

Annual Live Fire Exercise			
NFPA 805, 2001	Appendix R	CMEB 9.5.1	Attachment A to BTP APCSB 9.5-1 ASB 9.5-1
<p>3.4.1(a)(1) On-Site Fire-Fighting Capability - NFPA 600, "Standard on Industrial Fire Brigades" (interior structural firefighting)</p> <p>NFPA 600 2000 5-2.3 Live fire training shall be conducted at least annually. Training and drills involving a live fire evolution shall be performed in accordance with NFPA 1403, Standard on Live Fire Training Evolutions. 5-2.4 Live fire training shall include props that are representative of and that simulate as closely as possible the hazards and conditions that could be encountered by the industrial fire brigade member.</p>	<p>I. Fire brigade training. The fire brigade training program shall ensure that the capability to fight potential fires is established and maintained. The program shall consist of an initial classroom instruction program followed by periodic classroom instruction, fire fighting practice, and fire drills:</p> <p>2. Practice Practice sessions shall be held for each shift fire brigade on the proper method of fighting the various types of fires that could occur in a nuclear power plant. These sessions shall provide brigade members with experience in actual fire extinguishment and the use of emergency breathing apparatus under strenuous conditions encountered in firefighting. These practice sessions shall be provided at least once per year for each fire brigade member.</p>	<p>6(e)(2) Such training can only be accomplished by conducting drills several times a year (at least Quarterly)...</p> <p>3.d.(6) Practice (a) Practice sessions should be held for each shift fire brigade on the proper method of firefighting the various types of fires that could occur in a nuclear plant. These sessions shall provide brigade members with experience in actual fire extinguishment and the use of emergency breathing apparatus under strenuous conditions encountered in firefighting. (b) These practice sessions shall be provided at least once per year for each brigade member.</p>	<p>Section 6.(e)4 states that NFPA 27, "Private Fire Brigade," should be followed in organization, training and fire drills. NFPA 27 has been replaced with NFPA 600.</p> <p>NFPA 600, states in Section 5-2.3 that, Live fire training shall be conducted at least annually. Training and drills involving a live fire evolution shall be performed in accordance with NFPA 1403, Standard on Live Fire Training Evolutions and in section 5-2.4 that live fire training shall include props that are representative of and that simulate as closely as possible the hazards and conditions that could be encountered by the industrial fire brigade member.</p>
Problem	Facilities that conduct live fire exercises are currently closed due to local government "shelter in place orders" and closing of non-essential business.		

	<p>Conducting live fire exercise is also contrary to the requirements of social distancing. Substantial sterilization efforts would be required for the specialized PPE that is used at live fire exercises.</p>
<p>Remedy</p>	<p>Similar to the April 14, 2020 NRC exemption letter for Operator License issues, industry proposes suspending the requirement for annual live fire exercise until 365⁸ days after the end of the PHE or December 31, 2020, whichever comes first, provided the station uses a compensatory action similar to:</p> <p style="text-align: center;"><i>The licensee shall modify its Fire Brigade Drill training program so that it will provide for training and evaluations of Brigade knowledge, skills, and abilities without the conduct of live fire exercises for the duration of the PHE.</i></p>

⁸ Additional time is warranted since these facilities are run by vendors and support local fire responders as well. A large backlog in their availability is anticipated.