



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 12, 2020

Mark Coren  
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SUBJECT: NUCLEAR PROCUREMENT ISSUES CORPORATION STRATEGIC  
ALLIANCE FOR FLEX EMERGENCY RESPONSE COMMITMENT TO  
NRC ORDER EA-12-049

Dear Mr. Coren,

In response to Nuclear Procurement Issues Corporation's (NUPIC's) letter dated March 20, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19135A435), the NRC staff is clarifying the NRC's position regarding NUPIC's role to audit the Strategic Alliance for FLEX Emergency Response (SAFER) programs.

The Nuclear Energy Institute (NEI) developed guidance document NEI 12-06, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide," to provide guidance for operating power reactor licensees to comply with NRC Order EA-12-049, "Issuance of Order to Modify Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events" (ML12054A735). The most recent version of NEI 12-06 is Revision 4 (ML16354B421), which the NRC staff endorsed, with exceptions and clarifications, in Japan Lessons-learned Division (JLD) interim staff guidance (ISG) JLD-ISG-2012-01, Revision 2 (ML17005A188). In addition, Regulatory Guide 1.226 (ML19058A012), endorses NEI 12-06, Revision 4, with exceptions and clarifications, as one acceptable means for compliance with 10 CFR 50.155, "Mitigation of Beyond-Design Basis Events" (the MBDBE rule). The MBDBE final rule was published in the *Federal Register* (84 FR 39684, August 9, 2019), with an effective date of September 9, 2019.

The guidance in NEI 12-06 outlined the process for individual licensees to develop and implement site-specific diverse and flexible mitigation strategies that reduce the risks associated with beyond-design-basis events. To address the offsite resource requirements of EA-12-049, NEI submitted a white paper dated September 11, 2014 (ML14259A223), which detailed the programmatic aspects and implementation plans for the SAFER program. As documented in its Staff Assessment dated September 26, 2014 (ML14265A107), the NRC staff evaluated the SAFER program and determined that the described program and commitments are an acceptable means to meet the offsite resource (Phase 3) requirements of Order EA-12-049. All operating reactor licensees participate in the SAFER program via contracts with Pooled Equipment Inventory Company (PEICo) to provide offsite resources as part of their compliance with EA-12-049, and now 10 CFR 50.155, "Mitigation of beyond-design-basis events."

Specifically, NEI 12-06, section 12.2, details the minimum capabilities for off-site resources and the NEI / SAFER white paper describes how the SAFER program meets those minimum capabilities. One of those capabilities is a provision to inspect and audit the contractual agreements to reasonably assure the capabilities to deploy the FLEX strategies. The white paper specifies that this capability is met not only by provisions for unannounced random NRC inspections, but also by noting that the licensees' contractual agreements with PEI Co include the stipulation for independent audits and oversight by the licensees. The SAFER white paper states, in part, that "PEI Co is audited by NUPIC on a three-year cycle." While the SAFER equipment is not required per Order EA-12-049 to be maintained under a Title 10 of the Code of Federal Regulations Part 50, Appendix B approved quality assurance program, Pooled Inventory Management (PIM) has chosen to maintain the SAFER equipment under PEI Co's existing Appendix B quality assurance program. The white paper indicated that PEI Co's quality assurance manual "stipulates that on a triennial basis, or more frequently if conditions warrant, PEI Co shall be audited by a NUPIC team comprised of utility members." In addition, the NEI white paper states, in part, that "Although the SAFER program is not an Appendix B program, activities related to the SAFER Equipment Committee are included in the scope of these audits."

In May 2018, PEI Co / SAFER submitted two white paper addenda (ML18150A658) to specify criteria to allow the use of National SAFER Response Center (NSRC) equipment to support a non-nuclear emergency upon request from a Federal or State agency, and a time period and general requirements for the replacement or restoration of deployed NSRC equipment. The staff issued an updated staff assessment on September 20, 2018 (ML18157A014) to incorporate these addenda in its endorsement. These addenda and subsequent NRC endorsement did not change the capabilities and conclusions discussed above.

The inclusion of the NUPIC audits was an important consideration in the NRC staff's evaluation and endorsement of the SAFER program for meeting the off-site resource requirements of Order EA-12-049, and now 10 CFR 50.155. The NRC expects that if NUPIC no longer fulfills this portion of the SAFER commitments, then PEI Co / SAFER, or licensees individually, will need to implement other means of meeting the minimum capabilities described in NEI 12-06, Section 12.2, or otherwise evaluate whether they continue to meet the off-site resource requirements of Order EA-12-049 and 10 CFR 50.155. Section 11.8 of NEI 12-06 provides further details regarding FLEX configuration control and the conditions for making changes to FLEX strategies with or without prior NRC approval.

Sincerely,

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Quality Assurance and Vendor Inspection Branch  
Division of Reactor Oversight  
Office of Nuclear Reactor Regulation

SUBJECT: NUCLEAR PROCUREMENT ISSUES CORPORATION (NUPIC)  
STRATEGIC ALLIANCE FOR FLEX EMERGENCY RESPONSE  
(SAFER) COMMITMENT TO NRC ORDER EA-12-049  
Dated: June 12, 2020

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**OFFICIAL RECORD COPY**

**LIST OF OPERATING REACTOR LICENSEES  
(ADAMS Accession No. ML16228A156)**

Arkansas Nuclear One, Units 1 and 2

Entergy Operations, Inc.  
Docket Nos. 50-313 and 50-368  
License Nos. DPR-51 and NPF-6

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Beaver Valley Power Station, Units 1 and 2

Energy Harbor Nuclear Corp.  
Docket Nos. 50-334 and 50-412  
License Nos. DPR-66 and NPF-73

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Braidwood Station, Units 1 and 2  
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Docket Nos. STN 50-456 and STN 50-457  
License Nos. NPF-72 and NPF-77

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Browns Ferry Nuclear Plant, Units 1, 2, and 3

Tennessee Valley Authority  
Docket Nos. 50-259, 50-260, and 50-296  
License Nos. DPR-33, DPR-52, and DPR-68

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Brunswick Steam Electric Plant, Units 1 and 2

Duke Energy Progress, LLC  
Docket Nos. 50-325 and 50-324  
License Nos. DPR-71 and DPR-62

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Byron Station, Units 1 and 2  
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Docket Nos. STN 50-454 and STN 50-455  
License Nos. NPF-37 and NPF-66

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Callaway Plant, Unit 1  
Union Electric Company  
Docket No. 50-483  
License No. NPF-30

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Calvert Cliffs Nuclear Power Plant, LLC  
Exelon Generation Company, LLC  
Docket Nos. 50-317 and 50-318  
License Nos. DPR-53 and DPR-69

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Catawba Nuclear Station, Units 1 and 2  
Duke Energy Carolinas, LLC  
Docket Nos. 50-413 and 50-414  
License Nos. NPF-35 and NPF-52

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Clinton Power Station, Unit 1  
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Docket No. 50-461  
License No. NPF-62

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Columbia Generating Station  
Energy Northwest  
Docket No. 50-397  
License No. NPF-21

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Comanche Peak Nuclear Power Plant, Units 1  
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Vistra Operations Company, LLC  
Docket Nos. 50-445 and 50-446  
License Nos. NPF-87 and NPF-89

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Cooper Nuclear Station

Nebraska Public Power District  
Docket No. 50-298  
License No. DPR-46

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Davis-Besse Nuclear Power Station, Unit 1

Energy Harbor Nuclear Corp.  
Docket No. 50-346  
License No. NPF-3

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Diablo Canyon Power Plant, Units 1 and 2

Pacific Gas and Electric Company  
Docket Nos. 50-275 and 50-323  
License Nos. DPR-80 and DPR-82

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Donald C. Cook Nuclear Plant, Units 1 and 2

Indiana Michigan Power Company  
Docket Nos. 50-315 and 50-316  
License Nos. DPR-58 and DPR-74

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Exelon Generation Company, LLC  
Docket Nos. 50-237 and 50-249  
License Nos. DPR-19 and DPR-25

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Duane Arnold Energy Center

NextEra Energy Duane Arnold, LLC  
Docket No. 50-331  
License No. DPR-49

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Edwin I. Hatch Nuclear Plant, Units 1 and 2  
Southern Nuclear Operating Company, Inc.  
Docket Nos. 50-321 and 50-366  
License Nos. DPR-57 and NPF-5

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Fermi 2  
DTE Electric Company  
Docket No. 50-341  
License No. NPF-43

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Grand Gulf Nuclear Station, Unit 1  
Entergy Operations, Inc.  
Docket No. 50-416  
License No. NPF-29

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H. B. Robinson Steam Electric Plant, Unit 2  
Duke Energy Progress, LLC  
Docket No. 50-261  
License No. DPR-23

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Hope Creek Generating Station  
PSEG Nuclear LLC  
Docket No. 50-354  
License No. NPF-57

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Indian Point Nuclear Generating Unit Nos. 1, 2,  
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Entergy Nuclear Operations, Inc.  
Docket Nos. 50-247 and 50-286  
License Nos. DPR-26 and DPR-64

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James A. FitzPatrick Nuclear Power Plant  
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Docket No. 50-333  
License No. DPR-59

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Joseph M. Farley Nuclear Plant, Units 1 and 2  
Southern Nuclear Operating Company, Inc.  
Docket Nos. 50-348 and 50-364  
License Nos. NPF-2 and NPF-8

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LaSalle County Station, Units 1 and 2  
Exelon Generation Company, LLC  
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License Nos. NPF-11 and NPF-18

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Limerick Generating Station, Units 1 and 2  
Exelon Generation Company, LLC  
Docket Nos. 50-352 and 50-353  
License Nos. NPF-39 and NPF-85

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McGuire Nuclear Station, Units 1 and 2  
Duke Energy Carolinas, LLC  
Docket Nos. 50-369 and 50-370  
License Nos. NPF-9 and NPF-17

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Millstone Power Station, Units 1, 2, and 3  
Dominion Energy Nuclear Connecticut, Inc.  
Docket Nos. 50-336 and 50-423  
License Nos. DPR-65 and NPF-49

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Millstone Power Station  
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Monticello Nuclear Generating Plant  
Northern States Power Company  
Docket No. 50-263  
License No. DPR-22

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Nine Mile Point Nuclear Station, Units 1 and 2  
Nine Mile Point Nuclear Station, LLC  
Exelon Generation Company, LLC  
Docket Nos. 50-220 and 50-410  
License Nos. DPR-63 and NPF-69

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North Anna Power Station, Units 1 and 2  
Virginia Electric and Power Company  
Docket Nos. 50-338 and 50-339  
License Nos. NPF-4 and NPF-7

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Oconee Nuclear Station, Units 1, 2, and 3  
Duke Energy Carolinas, LLC  
Docket Nos. 50-269, 50-270, and 50-287  
License Nos. DPR-38, DPR-47, and DPR-55

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Palisades Nuclear Plant  
Entergy Nuclear Operations, Inc.  
Docket No. 50-255  
License No. DPR-20

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Palo Verde Nuclear Generating Station,  
Units 1, 2, and 3  
Arizona Public Service Company  
Docket Nos. STN 50-528, STN 50-529,  
and STN 50-530  
License Nos. NPF-41, NPF-51, and NPF-74

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Peach Bottom Atomic Power Station, Units 2  
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Exelon Generation Company, LLC  
Docket Nos. 50-277 and 50-278  
License Nos. DPR-44 and DPR-56

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Perry Nuclear Power Plant, Unit 1  
Energy Harbor Nuclear Corp.  
Docket No. 50-440  
License No. NPF-58

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Point Beach Nuclear Plant, Units 1 and 2  
NextEra Energy Point Beach, LLC  
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License Nos. DPR-24 and DPR-27

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Prairie Island Nuclear Generating Plant,  
Units 1 and 2  
Northern States Power Company - Minnesota  
Docket Nos. 50-282 and 50-306  
License Nos. DPR-42 and DPR-60

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Quad Cities Nuclear Power Station, Units 1 and 2

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River Bend Station, Unit 1

Entergy Operations, Inc.  
Docket No. 50-458  
License No. NPF-47

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Salem Nuclear Generating Station, Units 1 and 2

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Seabrook Station, Unit 1

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License No. NPF-86

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Sequoyah Nuclear Plant, Units 1 and 2

Tennessee Valley Authority  
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License Nos. DPR-77 and DPR-79

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Shearon Harris Nuclear Power Plant, Unit 1

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License No. NPF-63

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South Texas Project, Units 1 and 2  
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Docket Nos. 50-498 and 50-499  
License Nos. NPF-76 and NPF-80

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St. Lucie Plant, Units 1 and 2  
Florida Power and Light Company  
Docket Nos. 50-335 and 50-389  
License Nos. DPR-67 and NPF-16

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Surry Power Station, Units 1 and 2  
Virginia Electric and Power Company  
Docket Nos. 50-280 and 50-281  
License Nos. DPR-32 and DPR-37

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Susquehanna Steam Electric Station, Units 1  
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License Nos. NPF-14 and NPF-22

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Turkey Point Nuclear Generating Units 3 and 4  
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Docket Nos. 50-250 and 50-251  
License Nos. DPR-31 and DPR-41

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Virgil C. Summer Nuclear Station, Unit 1  
South Carolina Electric & Gas Company  
Docket No. 50-395  
License No. NPF-12

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License Nos. NPF-68 and NPF-81

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Waterford Steam Electric Station, Unit 3

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Wolf Creek Generating Station

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