

***Letter from 86 Organizations to Vice President Michael R. Pence:
Urgent Actions Required to Mitigate COVID-19 Impacts in Nuclear Energy Industry***

April 22, 2020

Vice President Michael R. Pence
The White House
Office of the Vice President
1600 Pennsylvania Avenue, NW
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Cc: Robert R. Redfield, MD, Director, Centers for Disease Control and Prevention (CDC)
Anthony Fauci, MD, Director, National Institute of Allergy and Infectious Diseases (NIAID)
Chairman Katherine L. Svinicki, Chairman, Nuclear Regulatory Commission (NRC)
Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health (OSHA)
Peter T. Gaynor, Administrator, Federal Emergency Management Agency (FEMA)
Neil Chatterjee, Chairman, Federal Energy Regulatory Commission (FERC)

SUBJECT: *Demand for Immediate Corrective Action to Address Urgent COVID-19
Pandemic Risk*

Dear Vice President Pence:

On behalf of the eighty-six organizations signed below, we write to express our urgent concern that the Nuclear Regulatory Commission (NRC) has abdicated its legal responsibility to protect public health and safety during the COVID-19 public health emergency, and to insist upon immediate corrective action.

In recent communications with nuclear licensees and the public, the NRC has failed to take essential measures to ensure that (a) nuclear reactors and fuel cycle facilities are operated safely during the pandemic despite reductions in reactor staffing and (b) nuclear reactor and fuel cycle facility employees do not contract or spread the coronavirus. The particular working conditions on reactor sites present significant risks of coronavirus infection among workers and the local community—risks which are greatly exacerbated by the introduction of large itinerant workforces through dozens of ongoing and imminent refueling operations. While the coronavirus, as a non-radiological threat, is not directly regulated by the NRC, its potential spread poses a significant radiological health and safety risk if workers must be laid off or do not gain access to crucial parts of the reactor.

Additionally, by allowing nuclear reactors to operate during the pandemic with exemptions and waivers without any review of each location's emergency preparedness plan, the NRC is creating an increased nuclear safety risk during and after the greatest public health emergency the United States has faced in one-hundred years. As the near disaster resulting from the deferred inspection at the Davis-Besse reactor in 2001-2 showed, every single delayed/deferred safety inspection coupled with fatigued and ill workers clearly reduces the overall safety of the 96 operating US nuclear power reactors. Thus, the coronavirus also has significant implications with respect to onsite and offsite emergency planning.

Therefore, we insist that the White House and Coronavirus Task Force immediately take the following actions to protect the health and safety of nuclear industry workers and the general public:

- Convene an interagency COVID-19 Nuclear Task Force (the Task Force) to develop plans and protective measures for nuclear workers and reactor operations. The task force should have representatives from all federal agencies with jurisdiction over the risks posed by the coronavirus and nuclear industry operations, including NRC, CDC, NIAIA, OSHA, FEMA, and FERC. An interagency task force is needed to properly prioritize worker and public health and safety in relation to radiological health and safety and electricity reliability.
- Order an immediate halt to additional refueling and decommissioning operations at nuclear power stations until the Task Force has developed, and licensees have implemented, site-specific plans to protect workers and prevent the spread of the disease in the host regions, while also ensuring radiological health and safety.
- Provide for immediate reevaluation by the Task Force of NRC exemptions to lift work-hour limits for reactor power operations from 72 to 86 hours per week during the pandemic, due to the increased levels of fatigue on (a) workers' vulnerability to COVID-19 and (b) radiological health and safety.
- Provide for immediate preparation of required Disaster Initiated Reviews (DIR) of the impact of the pandemic on emergency response plans at all reactor sites and fuel cycle facilities. Inexplicably, NRC has not yet done this, despite the express requirements of NRC Manual Chapter 1601, paragraph 03.02,¹ and the FEMA Standard Operating Guide.² Review of DIRs by the Task Force should be a high priority.
- Subject all current reviews of licensee petitions for postponements and exemptions of scheduled maintenance and inspections of reactor systems, structures, and components (including those seeking expedited review during refueling outages) to (a) a cumulative risk analysis and (b) an integrated review by the COVID-19 Task Force.
- For any operations-related decisions prioritizing resumed or continued operation because of reliability considerations, ensure that any potential safety impacts are fully mitigated. In many regions of the country, grid operators enjoy installed capacity margins well in excess of what is required to ensure reliability of the electricity system, especially during the low load spring months, making the temporary postponement of refueling outages irrelevant to grid reliability. In addition, the pandemic has resulted in significant reductions in electricity consumption throughout the U.S. Local grid reliability needs must be objectively evaluated, in order to properly balance the public health risks of refueling and restarting reactors during the pandemic. NRC must not permit licensees to operate reactors with increased nuclear safety risks, under any circumstances.

As detailed below, the foregoing actions are essential to protect public health and safety and to fulfill NRC's statutory responsibilities under the Atomic Energy Act.

It is the federal government's responsibility to convene an interagency task force because the public health and safety risks posed by the nuclear energy industry operations

¹ <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML13137A326>

² <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML112580528>

implicate several federal agencies whose responsibilities intersect with the industry the NRC regulates. In the midst of the public health emergency, NRC has failed to engage other responsible agencies which do not have sufficient knowledge of the conditions and operations of the nuclear industry to anticipate the public health impacts of COVID-19 on reactor sites. For instance, the NRC's worker entry and access procedures at reactor sites require scans using devices that are reportedly not being sanitized properly, prevent the use of masks, and do not enable adequate social distancing. These conditions are potentially in conflict with Occupational Health and Safety Administration (OSHA) requirements. OSHA nurses on reactor sites are not trained in and have no background in managing or implementing health protection procedures in the midst of this nationwide pandemic. In addition, there have been numerous reports in the media that social distancing, sanitation, and other measures necessary to protect workers and mitigate community spread of the coronavirus are not being practiced at numerous reactor sites.

Proceeding with refueling outages at this time is creating a vector for transmission of coronavirus to dozens of rural and suburban communities, placing public health at risk. Licensees are proceeding with scheduled refueling outages at upward of 30 reactor sites from February through the spring; the same will be repeated in fall 2020. Each refueling outage requires the addition of 1,000-2,000 temporary workers and contractors to the existing 600-1,000 employee permanent workforce. Many refueling outage workers are itinerant, traveling from reactor site to reactor site throughout the spring and fall to work numerous outages for a few days or weeks at each site. Because CDC has reported that the coronavirus can be transmitted asymptotically for days or weeks at a time—and that 25% of coronavirus carriers exhibit absolutely no symptoms—infection can spread without individual carriers being detected. CDC could not anticipate the risk factors deriving from the unique operational practices of the nuclear energy industry without the benefit of direct engagement with the NRC.

The federal government must act to ensure that nuclear operations do not result in transporting the virus from community to community. Many reactor host communities are rural and do not have sufficient capacity to provide essential healthcare to the local population if infection rates accelerate, and much less so if visiting outage workers also become ill and require hospitalization. Local officials in some reactor host communities have requested that refueling outages be postponed because of these risks, but NRC and its licensees have largely turned a blind eye to federally mandated pandemic mitigation procedures and simply allowed outages and decommissioning activities to proceed without worker protection and community spread prevention measures in place. The White House must act now to stem this public health risk to rural and suburban communities.

Additionally, the NRC has not properly evaluated the nuclear safety risks of an extraordinary number of requests for alleged special waivers and exemptions to major repairs and regulations. Licensees are deluging the NRC with potentially hundreds of requests for regulatory exemptions and deferrals of scheduled safety inspections in order to shorten the duration and expense of refueling outages. We are aware that there are numerous such exemption requests and postponements for each reactor, including canceling inspections of critical safety components, such as steam generators, reactor vessel internals, and containment structures. The NRC is evaluating the safety impact of each request in isolation, and failing to consider the

cumulative safety impact of the total combination of exemptions and deferred inspections for each reactor.

Permitting reactors to restart under these circumstances would be grossly negligent, irrationally and unjustifiably increasing the risk of a radiological disaster during and beyond the duration of the COVID-19 pandemic. Unacceptable levels of risk and actual accidents with releases of radiation have resulted in cases when the NRC has permitted relatively short-term postponements of inspections. The 2002 Davis-Besse reactor vessel head incident and the 2000 steam generator tube rupture at Indian Point unit 2 both resulted from postponing inspections for only a few weeks or months. The NRC is now considering postponing inspections of reactor vessels, steam generators, and other components, for up to two years, until the next refueling outage.

Based on media reports, the public health benefit that these exemptions and postponements may provide by reducing the total number of workers and contractors is marginal, at best, and has not been evaluated against the overall level of risk of coronavirus infection involved in permitting refueling outages to proceed. For instance, the Tennessee Valley Authority is now bringing 1,600 workers and contractors to Tennessee for the Sequoyah unit 2 refueling³; the deferred maintenance and inspections of the reactor only reduced the temporary workforce by about 10%, meaning that there are still nearly triple the number of employees on-site.

Thank you for your attention to this urgent recommendation, submitted to you in the spirit that it is the duty of every American, and every branch of government, to protect lives and mitigate the harm caused by the COVID-19 pandemic, the worst public health crisis our country has faced in the last one-hundred years. For these reasons we insist that the White House and Coronavirus Task Force immediately take the actions detailed above. We eagerly await your response.

Sincerely,

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³ Flessner, David. "COVID-19 scales back work on Sequoyah Nuclear Power Plant refueling." *Chattanooga Times Free Press*. April 12, 2020. <https://www.timesfreepress.com/news/local/story/2020/apr/12/covid-19-scales-back-work-nuclear-plant-refue/520489/>

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Subject: [External_Sender] Actions to Mitigate COVID-19 Impacts in Nuclear Energy Industry
Attachments: Nuclear-COVID19-letter_WH-CoV-Task-Force_86-organizations.pdf

Dear Chairman Svinicki:

The attached letter was posted to Vice President Michael R. Pence, as Chair of the White House Coronavirus Task Force, from 86 stakeholder organizations. It urges immediate corrective action to address impacts of the COVID-19 pandemic within the nuclear energy industry. You are cc'd on the letter, which pertains to NRC's jurisdiction and regulatory actions, and your agency's inherent role in undertaking the necessary corrective actions and participating in interagency responses.

Sincerely,

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