



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

April 15, 2020

EGM-20-002

MEMORANDUM TO: David C. Lew, Regional Administrator, Region I
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Scott A. Morris, Regional Administrator, Region IV
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John W. Lubinski, Director, Office of Nuclear Material Safety
and Safeguards
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and Incident Response
Ray Furstenaus, Director, Office of Nuclear Regulatory Research

FROM: George A. Wilson, Director
Office of Enforcement

SUBJECT: ENFORCEMENT GUIDANCE MEMORANDUM 20-002,
DISPOSITIONING VIOLATIONS OF NRC REQUIREMENTS
DURING CORONAVIRUS DISEASE 2019 (COVID-19)

PURPOSE:

The purpose of this enforcement guidance memorandum (EGM) is to provide guidance for the disposition of violations of U.S. Nuclear Regulatory Commission (NRC) requirements during the COVID-19 public health emergency (PHE). Consistent with Section 3.5, "Violations Involving Special Circumstances," of the Enforcement Policy, this EGM, through specific attachments, grants enforcement discretion not to cite certain violations of NRC requirements of Title 10 *Code of Federal Regulations* (10 CFR) as discussed more fully below.

BACKGROUND:

On January 31, 2020, the Secretary of the United States Department of Health and Human Services declared the COVID-19 PHE. The NRC is issuing this guidance concerning the process for exercising enforcement discretion in certain situations where NRC licensees encounter compliance issues caused by COVID-19 related impacts.

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This guidance is intended to provide a mechanism for ensuring continued safe and secure operation of NRC-regulated activities during the COVID-19 PHE. The NRC believes that such flexibility will also minimize regulatory impacts licensees may experience due to the COVID-19 PHE while the NRC continues to provide reasonable assurance of adequate protection of public health and safety, promotes the common defense and security, and protects the environment.

DISCUSSION:

Based on the need for appropriate flexibility in responding to the changing events of the COVID-19 PHE, the NRC developed this EGM to allow for the periodic addition, in the form of separate attachments, of additional guidance on a topic-by-topic basis. To the extent possible during the COVID-19 PHE, the NRC expects all licensees to comply with all regulatory requirements and follow the normal processes (e.g., license amendments, exemption requests, and relief requests) to achieve and maintain regulatory compliance. Given the PHE, the NRC would accept these submittals in the form of a letter or an email to the associated NRC facility's project manager. The NRC will evaluate all requests for regulatory relief and, on a case-by-case basis, develop specific enforcement guidance for those regulatory requirements needing the highest level of attention to maintain the safety and security of all regulated activities while minimizing the impact on critical infrastructure, such as electrical grid stability. The NRC is aware that during this COVID-19 PHE, each licensee may have additional or license-specific regulatory challenges for which regulatory relief may be sought. For these specific requests, the NRC will continue to use the NRC Enforcement Policy and associated inspection guidance to disposition any noncompliance during and after the COVID-19 PHE is concluded. The NRC expects licensees to show a good faith effort during the COVID-19 PHE to achieve regulatory compliance with all NRC requirements, and, when a noncompliance is identified, licenses shall document their noncompliance and notify the NRC in accordance with existing reporting requirements.

ACTIONS:

Review the attachments to this EGM for specific enforcement guidance.

EXPIRATION:

This EGM will remain in effect until all individual attachments to this EGM reach their listed expiration. Specific end dates are typically provided in the attached topic-specific provisions.

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