



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

April 7, 2020

ALL AGREEMENT AND NON-AGREEMENT STATES, NRC REGIONS I, III, AND IV,
STATE LIAISON OFFICERS

INFORMATION REGARDING U.S. NUCLEAR REGULATORY COMMISSION ACTIVITIES
SURROUNDING THE NOVEL CORONAVIRUS COVID-19 (STC-20-029)

Purpose: To provide information about the U.S. Nuclear Regulatory Commission's (NRC) monitoring activities associated with the novel Coronavirus Disease 2019 (COVID-19) and responses to common questions received regarding potential effects to the National Materials Program.

Background: 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 COVID-19. On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. Global efforts at this time are focused concurrently on lessening the spread and impact of this virus. The Federal government is working closely with state, local, tribal, and territorial partners, as well as public health partners, to respond to this public health threat.

Discussion: The NRC is closely monitoring the continuously evolving situation regarding the spread of COVID-19 in the United States and taking the necessary steps to prevent the spread of this coronavirus in the workplace while continuing to meet our important mission to protect the public health and safety and the environment. The NRC is cognizant of the challenges the agency and Agreement States are currently facing to implement our respective radiation protection programs which support a robust National Materials Program. For example, some of the measures currently in place by Federal and State governments to limit the spread of the coronavirus, such as shelter-in-place Orders and travel limitations, are causing impacts for completing scheduled inspections, attendance at training courses, and participation in several meetings. The NRC has also been contacted by several licensees, certifying organizations, and some Agreement States concerning guidance for regulatory relief from some compliance aspects of regulations and license conditions. The NRC will be providing guidance to its licensees for making such relief requests and will share that guidance with our National Materials Program partners.

The NRC developed a list of questions and answers (Q&As) to the most frequently raised questions and concerns received to date from our regulatory partners. This list of Q&As is provided in the enclosure to this letter and is posted in the password protected [Materials Security Toolbox](#) and will be continuously updated as additional information becomes available.

If you have any questions regarding this correspondence, please contact Leira Cuadrado at Leira.Cuadrado@nrc.gov.

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ACTIVITIES SURROUNDING THE NOVEL CORONAVIRUS COVID-19
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DATED: APRIL 7, 2020

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Questions and Answers Regarding the COVID-19 Pandemic

1. Has the NRC activated its Continuity of Operations Program (COOP)?

Currently, the COVID-19 circumstances have not triggered implementation of our COOP plan. However, the agency is prepared to implement the COOP if the current situation challenges our continuing operations.

2. Is the NRC cancelling its upcoming training classes?

The NRC Technical Training Center announced that it is rescheduling, or holding virtually, its training courses through May 2020. The NRC on-line training courses continue to be available. Any questions about NRC training courses should be sent to ASTrainingandtravelResource@nrc.gov.

3. How is the NRC keeping apprised on the status of the National Materials Program?

The State Agreements and Liaison Programs Branch maintains frequent communications with the Regional State Agreement Officers and Regional Government Liaison officers and exchanges valuable information regarding the implementation of the National Materials Program. The same branch also maintains communications with the Organization of Agreement States, States and Tribal governments, and the Conference of Radiation Control Program Directors. In addition, the National Materials Program Co-Champions (NRC and Agreement State representatives) have been meeting frequently to exchange information on matters surrounding COVID-19.

4. What is the NRC doing with regards to its materials oversight and inspection program?

At this time the NRC staff have been placed on mandatory telework. Routine inspections have been postponed through the end of April. Mission essential inspections will be conducted upon approval of the corresponding Office Director or Regional Administrator despite site applicable stay-at-home Orders.

5. Is the NRC considering any regulatory relief to certain regulatory requirements licensees are unable to comply with due to COVID-19 pandemic impacts in licensee operations?

The NRC recognizes that during the current COVID-19 public health emergency, licensees may experience challenges in meeting certain regulatory requirements. The NRC has multiple methods of providing relief from regulatory requirements while continuing to maintain safety. These methods are: (1) exemptions from regulatory requirements, (2) amendments to license conditions or technical specifications, and (3) enforcement discretion. Each of these methods has specific requirements and is appropriate under certain circumstances. The NRC issued a letter to its byproduct material, uranium recovery, decommissioning, fuel facilities, and spent fuel storage licensees (Agencywide Documents Access Management System (ADAMS) Accession

No. ML20094G166) outlining the regulatory options to seek regulatory relief that may be necessary during the COVID-19 public health emergency.

6. What is the NRC doing with respect to licensing reviews and the receipt of applicant/licensee correspondence?

The NRC continues to process correspondence through its mailroom and review licensing casework as scheduled. Since NRC staff is currently teleworking, licensees are encouraged to send electronic copies of their submissions, as appropriate, to their respective licensing project managers or supervisors, or notify them that an application or correspondence has been mailed to ensure the timely processing and acknowledgement of them.

Should a licensing review be impacted by the current COVID-19 situation (e.g. delay in responses to requests for additional information, unable to conduct a pre-licensing visit), the NRC will communicate with the applicant/licensee to determine appropriate course of action and document the reasons for the delay in finalizing the licensing actions and any agreed-upon path forward for completing the review.

7. Given the current restrictions in travel, is the NRC continuing to conduct pre-licensing site visits prior to issuing a license?

If it is determined that the applicant's need for a license is not critical to the protection of public health and safety, the pre-licensing visits should be postponed and delay issuing the license until a pre-licensing visit can be conducted. If it is determined that applicant's need for a license is critical to the protection of public health and safety during the COVID-19 pandemic (e.g. medical facility, industrial applicant with a contract from a known entity or contract from a verifiable source), the staff would evaluate on a case by case basis options to conduct the pre-licensing site visit commensurate with the risk posed by the proposed use of radioactive material. For example, for lower risk material, that is still critical for public health and safety, the staff could consider using remote method of verification, such as skype or video calls. In such cases, the license reviewer/inspector should make a reasonable effort to collect as much information from the applicant regarding the pre-licensing site visit (e.g., video calls to conduct facility walk through, electronic submission of documents to show business operations, radiation safety operations, etc.). The agency should document the information collected, the decision for granting the license without an on-site visit, and conduct the required visit(s) as soon as practical.

For materials posing higher risk (e.g. [category 1 and 2 radioactive material](#)) with a critical need for a license, the agency would deem such visits a mission-essential function and, upon approval by NRC management, will conduct the pre-licensing visit prior to issuance of a license. To this date, we have not identified any pre-licensing visit that meets this threshold. The adjustments described above are pertinent during the COVID-19 pandemic disruptions to normal agency operations.

8. What interaction is NRC having with the American Society for Nondestructive Testing (ASNT) and its certification program. Are the expiring radiographer certifications being extended? If so, is NRC approving such extensions?

The NRC received a regulation exemption request from the ASNT regarding extending the radiography certification expiration dates. The NRC granted the exemption request for ASNT to extend certifications expiring between March 31, 2020 and September 30, 2020, for up to two extensions to these individuals, in increments of no more than 90 days. The ASNT will notify via email the confirmation of the extension to affected individuals. In addition, the ASNT will update each record on its website. The NRC and Agreement State inspectors can confirm the validity of radiography certifications through the ASNT Certificate Holders Directory at: https://www.asnt.org/MajorSiteSections/Certification/Certificate_Holders.aspx. The NRC's full response to the requested exemption can be found using ADAMS Accession Number ML20090C666.

9. What are some of the COVID-19 implications to the implementation of the Integrated Materials Performance Evaluation Program (IMPEP)?

The NRC is maximizing the use of technology and where appropriate continuing without disruptions the implementation of IMPEP using remote capabilities. For example, the IMPEP review for the Wyoming Agreement State Program was conducted virtually at the end of March. Similarly, the State and the IMPEP team are preparing to support a virtual IMPEP review of the Georgia Agreement State Program in April 2020.

Notwithstanding, travel restrictions across the U.S. may delay the conduct of inspection accompaniments in support of future IMPEP reviews, team member participation in IMPEP reviews, and the conduct of on-site reviews and in-person periodic meetings. These will be addressed on a case-by-case basis with each State.

10. How are future IMPEP reviews considering any impacts of the COVID-19 situation in the timely completion of routine and/or reciprocity inspections?

The NRC recognizes the Agreement State Program's priority is the protection of public health and safety, as well as the protection of their staff, and understand the disruptions the COVID-19 situation may cause to the conduct of inspections, licensing, and other elements of their Programs. The NRC encourages the States to document any changes to normal implementation of their Radiation Control Programs so future IMPEP review teams have the information they need to assess their programs. IMPEP reviews are performance based and as such, the NRC do not foresee the Program's evaluations to be impacted solely by the delays these interim restrictions may cause.

Specifically, Programs should document the inspections that could not be performed during the COVID-19 period with an appropriate justification (e.g., travel restriction, denied access, etc.) and develop a plan to conduct any overdue or delayed inspections upon the easing of the limitations caused by COVID-19. During the IMPEP review, the team will take into consideration the list of overdue and delayed routine and reciprocity inspections impacted by the COVID-19 restrictions and will exclude them in the overall calculation of overdue and reciprocity inspections, respectively. The team will evaluate the implementation of the plan to conduct the overdue inspections.

Further, the IMPEP process allows for this flexibility as stated in SA-101, Status of Materials Inspection Program, Section V.B.8:

In applying the criteria, flexibility may be used to make the determination of the rating for this indicator. The review team should consider the status of the Program and any mitigating factors that may have prohibited the Program from conducting inspections during the review period. The review team's assessment should include the examination of plans to perform any overdue inspections or reschedule any missed or deferred inspections. The Principal Reviewer should determine that a basis has been established by the Program for not performing any overdue inspections or rescheduling any missed or deferred inspections.

The IMPEP reviews have, in the past, successfully evaluated Agreement State and NRC Materials Programs that were challenged to conduct timely inspections and licensing due to unique circumstances, such as natural phenomena events. Annual IMPEP team leader counterpart meetings and team member trainings will continue to include discussions reinforcing the consideration that should be applied based on unique circumstances to provide knowledge and understanding of a performance-based review.

11. How will the IMPEP review team evaluate the Agreement State Program's decision to delay or not respond to an event or allegation?

The Program should evaluate each incident or allegation on case-by-case basis and document their decision on their course of action. During the IMPEP review, the team will take into consideration the COVID-19 restrictions and the public health safety significance of the event or allegation. The NRC would expect the review team to verify that the Program evaluated the incident and if appropriate, considered following up on the allegation remotely when on-site response is not the best course of action considering the circumstances.

12. Can Agreement States give regulatory relief for certain tasks performed at licensee facilities (e.g., instrument calibration, radiation safety committee meetings, linearity tests, annual calibration, area surveys, etc.)?

An Agreement State Program has the authority to grant exemptions to the regulatory requirements provided they are protective of public health and safety. Therefore, the Program should exercise judgement, thoroughly evaluate any exemption requests or determination to grant regulatory relief, and document its decision with regards to what requirements it decides to provide relief or exercise enforcement discretion.

13. Is NRC staff available to receive and accept fingerprint submissions via the NRC mailroom?

Yes, the NRC mailroom will continue to process incoming mail. Criminal history staff are available to process incoming fingerprint submissions. For information on Criminal History Records Check submission visit: <https://www.nrc.gov/security/chp.html>.