

**U.S. Nuclear Regulatory Commission
Responses to Questions in the April 20, 2020, Letter**

Question 1

Please elaborate on the process by which the NRC is deciding to extend regulatory exemptions, including identifying the regulations subject to exemption and describing the criteria on which exemption requests will be evaluated.

Response:

The NRC grants exemptions from regulatory requirements only if specific conditions, outlined in the regulations, are met. Exemption requirements are specific to each part of the NRC's regulations in Chapter I of Title 10 of the *Code of Federal Regulations* (CFR) and are reviewed by the NRC staff on a case-by-case basis and in consideration of the plant- and situation-specific information.

In response to the COVID-19 public health emergency, the NRC staff held multiple public teleconferences with stakeholders to seek information to identify areas where requests for regulatory relief may be needed and whether expedited NRC decisions would be sought. Stakeholders specified areas such as work-hour controls and staff training and requalification requirements that could require temporary flexibilities to maintain the safe and secure operation of the plants, while supporting the national priority of reducing the spread of COVID-19. The NRC staff then issued letters communicating the site- and situation-specific information that would be needed for exemption requests to be reviewed and decisions expedited. The NRC staff also specified that compensatory measures and the licensees' site-specific processes that would continue to provide reasonable assurance of adequate protection of public health and safety and common defense and security during the limited exemption period would need to be addressed in the exemption requests.

As of April 28, 2020, for operating reactors such as Seabrook, the NRC staff has issued letters outlining the process for requesting regulatory relief in areas related to work-hour controls (10 CFR 26.205(d)(1)—(d)(7)), owner activity reports (10 CFR 50.55a(b)(2)(xxxii)), respiratory protection requirements (10 CFR 20.1703(c)(5)(iii) and (c)(6), and for operators licensed under 10 CFR Part 55, the 24-month requalification program (10 CFR 55.59(c)(1)) and biennial medical examinations (10 CFR 55.21 and 10 CFR 55.53(i)). Additional details regarding the process that the NRC staff will use for reviewing these exemption requests are available in letters dated March 28, April 9, April 14, and April 27, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20087P237, ML20098D975, ML20104C071, and ML20099G757). A complete list of licensing actions approved by the NRC in response to the COVID-19 public health emergency is available on the NRC public website at <https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html>. The NRC staff will continue to consider whether additional measures may be needed to respond effectively to the COVID-19 public health emergency.

Additional information is available on the NRC public web site at <https://www.nrc.gov/about-nrc/covid-19/reactors/>.

Enclosure

Question 2

Given the reduction in staff physically present at Seabrook, please explain how the NRC will ensure the necessary frequency and quality of inspections. How often will NRC resident inspectors be expected to visit Seabrook during the refueling process?

Response:

During the COVID-19 public health emergency, the NRC staff has implemented a flexible strategy for NRC's resident-inspectors site-coverage that maintains the oversight necessary to support reasonable assurance of adequate protection of public health and safety while balancing Federal, State, and local guidelines for protecting the health of inspectors and site personnel (ADAMS Accession No. ML20097E538). Specifically, each site will be visited by a resident inspector at least once every three business days to perform plant status activities, unless regional management determines there should be an increase or decrease in site coverage based on specific plant conditions, including equipment availability, refueling outage work and planned maintenance activities, ability to maintain awareness of unit safety performance from offsite locations, and the specific COVID-19-related conditions onsite and in the surrounding community.

Consistent with this strategy, NRC resident inspectors are onsite at Seabrook at least every three business days. During Seabrook's refueling activities, the resident inspectors were at the site more frequently or for longer time periods than would be expected during their routine plant status activities. NRC resident inspectors also have remote means to monitor licensee performance at Seabrook, which includes plant parameters, plant status, and other records; and the inspectors have increased communications with the licensee's onsite management. Together, these efforts have allowed the NRC to maintain its independent oversight presence at the plant.

Question 3

Please explain how the NRC will ensure that the extended work-hour order does not compromise worker health and safety.

Response:

The NRC staff reviews each exemption request on a case-by-case basis. As a condition of granting exemptions from the work hour control provisions of NRC's fitness-for-duty requirements (10 CFR Part 26), the NRC staff has required licensees to implement site-specific fatigue management controls that meet NRC acceptance criteria. These controls address both acute and cumulative worker fatigue for the limited period the exemption is in effect and maintain assurance of worker fitness for duty. In addition, licensees must meet all other requirements that are not exempted, including "work hours scheduling," which requires licensees to schedule work hours consistent with the objective of preventing impairment from fatigue due to the duration, frequency, or sequencing of successive shifts (10 CFR Part 26.205(c)); "behavioral observation" (10 CFR 26.33); "self-declarations" (10 CFR 26.209); and "fatigue assessments" (10 CFR 26.211). These requirements, in conjunction with any licensee alternative controls for fatigue management, provide reasonable assurance that fatigue-induced impairment would be identified and addressed.

The NRC staff also maintains its ability to provide oversight of the licensees' implementation of their site-specific controls for fatigue management. The NRC inspectors have access to licensee site-specific documents related to the exemption and are available to periodically review any issues concerning worker fatigue. Finally, the NRC can rescind any exemptions or take enforcement action should circumstances warrant.