

From: [Nydegger, Meagan K. \(Fed\)](#)
To: [Yin, Xiaosong](#); [DocProcessing Center](#)
Cc: [Newton, Thomas H. \(Fed\)](#)
Subject: [External_Sender] URGENT – COVID-19 Part 55 Exemption Request NIST
Date: Monday, May 11, 2020 9:05:43 AM
Attachments: [OL exemption letter Part 55 NIST- Rev.5.asd.pdf](#)

Good Morning Xiaosong,

The NBSR has 3 licensed operators who have medical exams coming due at the end of the month. Due to the COVID-19 pandemic, these individuals are unable to have their regularly scheduled biennial medical exam in accordance with 10 CFR 55.21 and 10 CFR 55.53(i). The NIST Medical Office evaluated these individuals in accordance with ANSI 15.4 by means of a telephonic questionnaire to determine if there have been any changes in their medical history's that would change their license status. Please see the attached exemption request for these individuals.

If there are any questions please let me know.

Sincerely,
Meagan Nydegger
Chief, Reactor Operations
NIST Center for Neutron Research
202-480-6121

To: Xiaosong Yin, NRC Licensing Project Manager, DCD

Reference: NRC Letter from H. Nieh to NEI, *“U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Operator Licensing During the Coronavirus Disease 2019 Public Health Emergency,”* dated April 14, 2020

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 the Coronavirus Disease 2019 (COVID-19). As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) NIST requests an exemption from certain 10 CFR Part 55 Operator Licensing requirements for NBSR as documented in this exemption request. By submitting this exemption request, NBSR is proactively taking steps to implement interim actions during the exemption period that supports the health and safety of both worker and medical personnel to limit the spread of the COVID-19 virus. This request is being made to support the NBSR efforts to maintain Centers for Disease Control and Prevention (CDC) recommendations related to social distancing, worker screening, and limiting close-proximity work.

NIST considers reliable operator performance to be essential to safe operations, and in accordance with the Reference letter, requests exemption from the requirements of the regulations identified in this document.

Renewal of an operator’s license requires a medical exam biennially. Because many physicians have cancelled routine examinations due to the PHE, an operator may not be able to receive the medical examination before it is due. Therefore, NIST requests that NBSR be exempted from meeting the requirements of the following regulations:

1. 10 CFR 55.21 – An applicant for a license shall have a medical examination by a physician. A licensee shall have a medical examination by a physician every two years. The physician shall determine that the applicant or licensee meets the requirements of § 55.33(a)(1).
2. 10 CFR 55.53(i) - The licensee shall have a biennial medical examination.

The names and docket numbers of the operators and senior operators for whom the above exemptions are being requested are provided in the Attachment to this letter.

The interim compensatory measure that NIST is using to address the delay in receipt of recommendations from a licensed physician concerning the operator’s and senior operator’s health is as follows:

An assessment of the operators’ responses on an ANSI-standard-based questionnaire about medical history, without an in-person examination, was performed by a medical professional (i.e., Registered Nurse, Physician’s Assistant, or Medical Doctor). There were no changes in their medical history’s that would impact their abilities as a licensed operator nor were there changes that would cause changes to their 396 forms.

NIST understands that, if approved, these exemptions will be in effect until 90 days after the PHE is ended, or December 31, 2020, whichever occurs first.