



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

June 1, 2020

MEMORANDUM TO: David C. Lew, Regional Administrator, RI
Laura A. Dudes, Regional Administrator, RII
John B. Giessner, Regional Administrator, RIII
Scott A. Morris, Regional Administrator, RIV
Brian E. Holian, Director
Office of Nuclear Security
and Incident Response

FROM: John W. Lubinski, Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: INSPECTION GUIDANCE DURING TRANSITION FROM
COVID-19 MANDATORY TELEWORK FOR THE NUCLEAR
MATERIALS AND WASTE SAFETY PROGRAMS

The purpose of this memorandum is to provide guidance and decision-making considerations for the organizations responsible for inspections as COVID-19 restrictions begin to ease across the country. This guidance is intended to balance the importance of protecting the health and safety of our inspectors and site personnel along with the need to conduct effective oversight that supports the U.S. Nuclear Regulatory Commission's (NRC) critical safety mission. During the ongoing COVID-19 public health emergency (PHE), the NRC will continue to exercise flexibilities as defined in the applicable inspection manual chapters to implement the oversight programs for spent fuel storage, decommissioning sites, uranium recovery, transportation packaging, fuel facilities, and materials licensees. Materials, Independent Spent Fuel Storage Installation (ISFSI), Fuel Facilities, and Decommissioning programs should continue to perform inspection activities.

The enclosed decision-making tool provides considerations for inspection activities during COVID-19 PHE recovery. In determining how to continue to meet the objectives of the oversight program, the Headquarters and Regional Office staff should consider local conditions and guidance from Federal, State, and local government agencies, keeping as a top priority the health and safety of all personnel involved. Decisions for Headquarters and Regional Office inspectors to travel to licensee sites will be made by the organization responsible for the inspection, informed by the enclosed guidance.

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Headquarters and Regional Office staff are encouraged to leverage telework technologies in areas where these technologies can be used to effectively accomplish the goals and objectives of our inspection procedures. Use of these technologies can minimize the further spread of COVID-19 during administrative aspects of inspection activities such as preparation and documentation, and entrance and exit meetings, etc.

Following the COVID-19 PHE, the Office of Nuclear Material Safety and Safeguards will also conduct a lessons-learned effort and use the outcomes of this effort to inform future oversight program enhancements. This guidance supplements previously promulgated oversight program implementation guidance related to the COVID-19 PHE.

The Division of Fuel Management, the Division of Decommissioning, Uranium Recovery, and Waste Programs, and the Division of Materials Safety, Security, State, and Tribal Programs, in coordination with the Regional Offices, will continue to assess this guidance and update it as needed.

Enclosure:

Decision-making Tool for Materials and
Waste Programs' Inspection Activities During
COVID-19 Public Health Emergency Recovery

cc: J. Trapp
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SUBJECT: INSPECTION GUIDANCE DURING TRANSITION FROM COVID-19 MANDATORY
TELEWORK FOR THE NUCLEAR MATERIALS AND WASTE SAFETY
PROGRAMS DATED: June 1, 2020

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ADAMS Accession No. ML20143A281***via e-mail**

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DECISIONMAKING TOOL FOR MATERIALS AND WASTE PROGRAMS' INSPECTION ACTIVITIES DURING COVID-19 PUBLIC HEALTH EMERGENCY RECOVERY

The Division of Nuclear Materials Safety (DNMS) and the Division of Fuel Facility Inspection (DFFI) are the decision-makers for oversight program implementation activities in the Regional Offices (including materials pre-licensing site visits). The Division of Fuel Management (DFM) is the decision-maker for the Office of Nuclear Material Safety and Safeguards (NMSS)-led inspections. Decisions for regional and headquarters inspectors to travel to licensee sites will be made by the organization responsible for the inspection, informed by local conditions. They should use the following considerations for decision-making.

- While inspections are decisions by the Regional Offices, DNMS and DFFI should coordinate with DFM, the Division of Materials Safety, Security, State, and Tribal Programs and the Division of Decommissioning, Uranium Recovery, and Waste Programs to maintain consistency across the U.S. Nuclear Regulatory Commission (NRC).
- The goal of the Materials, Independent Spent Fuel Storage Installation (ISFSI), Fuel Facilities, and Decommissioning programs is to complete the inspection program as outlined in the applicable inspection manual chapters. Notwithstanding this stated goal, the unprecedented public health emergency may necessitate planned inspections being completed in different ways (remotely, or in part remotely) or being not completed in 2020.
- Inspections should be completed through remote inspection or a combination of remote inspection for portions that can be inspected remotely, followed by an onsite inspection for aspects of the inspection that require an onsite presence.
- When appropriate, certain aspects of the inspection can be waived for this inspection cycle or onsite inspection activities should be delayed until travel restrictions are lifted.
- When possible, cross-regional support should be used to avoid travelling through high transmission/restriction areas.
- Inspection activities should be announced and coordinated with the licensee in advance as appropriate. The operating status of the licensee and inspection site as well as the licensee's ability to support inspection activities should be considered in determining whether to delay or conduct activities remotely. Staff should verify the status of licensees that are temporarily closed and not operating due to the public health emergency (PHE) and defer inspection activities as necessary. When planning future inspections, staff should consider contacting a licensee, that the NRC has not had contact with since the start of the COVID-19 PHE, to determine their current operating status.
- Inspections should be considered complete only after all essential aspects of the inspection are conducted, in accordance with the maximum flexibilities afforded by the applicable inspection procedure or inspection manual chapter.
- If deviations from the applicable inspection manual chapter are necessary due to COVID-19 considerations, the Regions should track their approach including a short description and periodically provide an update to the respective NMSS division director. This should also include information regarding inspections that begin remotely but will have an onsite component that will fall outside of inspection manual chapter timelines because of COVID-19 issues, and inspections that are recommended to be completed remotely without any onsite inspection. A formal deviation memorandum to NMSS is not required.

- Information contrary to or not addressed by the considerations in this decision-making tool should be brought to the attention of the Regional Administrator, and to the respective NMSS division director for inclusion in future updates to this guidance.
- On a quarterly basis, each inspection program should identify the number of deviations and delays and develop a forecast plan for completing any delayed or deferred inspections. The forecast inspection plan should not heavily rely on staff overtime nor cancellation of planned leave whenever possible.
- Consider the following, for the area in and around the inspection site, when approving inspection travel:
 - NRC awareness of federal, state, and local authorities' current mitigation approaches/levels in the destination community and points en-route; and NRC's decision to travel is not contrary to those approaches;
 - Traveler is willing to travel (those unwilling to travel should discuss with their Branch Chief to evaluate potential assignment of other duties);
 - Traveler agrees to observe social distancing, proper cleaning and disinfecting requirements, protection of themselves and others (NRC provided facial covering, etc.) based on the Centers for Disease Control and Prevention and local guidance (including licensee's workplace protocols);
 - Site-specific conditions (e.g., a "hot spot" at the licensee facility or nearby facility) should not preclude safe travel by NRC staff;
 - Traveler agrees to avoid communal spaces as much as practicable, use technology to avoid in-person communications whenever possible, immediately report any symptoms and isolate, and limit any sharing of foods, tools, equipment, or supplies as much as possible;
 - Compliance with the applicable Inspection Manual Chapter inspection frequency alone should not be used as a deciding factor for planning/approving essential travel.