

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

+ + + + +

MEETING

+ + + + +

TUESDAY,

SEPTEMBER 15, 2020

+ + + + +

The Commission met in the Commissioners' Hearing Room at the Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, at 10:00 a.m., Kristine L. Svinicki, Chairman, presiding.

COMMISSION MEMBERS:

KRISTINE L. SVINICKI, Chairman

JEFF BARAN, Commissioner

ANNIE CAPUTO, Commissioner (via telephone)

DAVID A. WRIGHT, Commissioner

CHRISTOPHER T. HANSON, Commissioner

ALSO PRESENT:

ANNETTE VIETTI-COOK, Secretary of the Commission

MARIAN ZOBLER, General Counsel

NRC STAFF:

MARGARET DOANE, Executive Director for Operations

CHRISTIAN EINBERG, Chief, Medical Safety and Events Branch, NMSS/MSST

CRAIG ERLANGER, Director, Division of Operating Reactor Licensing, NRR

SHANA HELTON, Acting Deputy Office Director, NSIR

MARK LOMBARD, Lead, COVID-19 Task Force; Deputy Director, Office of Nuclear Security
and Incident Response

GEORGE WILSON, Director, Office of Enforcement

P-R-O-C-E-E-D-I-N-G-S

9:59 a.m.

CHAIRMAN SVINICKI: And once again, good morning everyone. And the Commission is convening in public session for the purpose of discussing the topic of the agency's response to the COVID-19 public health emergency.

We are, today, very grateful for the hard work of the Office of Administration, the Office of Secretary and all of the NRC staff to make possible this somewhat unique logistical setup that we have here today.

We are sitting consistent with CDC and other public health guidelines. We are socially distant.

Masks are being utilized, I think, and mostly when people aren't speaking or as the individual's choice. But I know it was a lot of hard work to make sure that all of the logistics were available for us to begin as the Commission.

Although we have conducted some affirmation sessions and convened for other business purposes, we have not had one of our Commission public meetings, such as this.

And as a Commission we felt that the agency's response to COVID-19 was certainly an appropriate topic to begin as the Commission will now move, throughout the fall, playing some catchup on topics that we had deferred for meetings. And some of the other meetings that we conduct on a routine schedule.

We'll try to marry up with our routine frequencies on those as best we can. So we are beginning to move through that agenda. But also again, interjecting topics as they are timely and necessary and beneficial to the Commission's work.

I, again, think it's wonderful that the staff made this possible working with facilities and all of the logistics that we needed to do today.

I regret that we are not able to have members of the public in the audience, as of course we are web streaming. But we typically would have people welcome to come into our

1 meeting room here.

2 And that isn't possible given the public health emergency and the conditions
3 that exist right now. We remain hopeful for future opportunities.

4 And certainly as conditions allow, the Commission will return to that practice
5 for purpose of just transparency. And looking at a room full of interested people, which always
6 makes it a little bit more energizing, I think, for the Commission on a lot of these topics.

7 So, with that, again, the topic this morning is the public health emergency. And
8 we will hear from one panel of staff representatives and experts discussing the broad range of
9 both internal actions and then actions we took with regulated entities.

10 Before I begin though I would ask if any member of the Commission would like
11 to weigh in. And I have to remember that we have one member of the Commission participating
12 telephonically. Commissioner Caputo, I'll offer you a chance in a moment. But right now in the
13 room, Commissioner Baran.

14 COMMISSIONER BARAN: Well, thank you, Chairman. And thanks to the staff
15 for all your hard work making this possible.

16 I just wanted to recognize something that seems strange because
17 Commissioner Hanson has been with us several months now, but this actually is his first
18 Commission meeting because we haven't had one in a while. And so, I'm excited to have him
19 here --

20 COMMISSIONER HANSON: Thank you.

21 COMMISSIONER BARAN: -- and looking forward to his brilliant questions.

1 (Laughter.)

2 COMMISSIONER BARAN: No pressure.

3 (Laughter.)

4 COMMISSIONER BARAN: But, it's great to have everyone here, either
5 virtually or live. So welcome, officially.

6 COMMISSIONER HANSON: Thank you.

7 CHAIRMAN SVINICKI: Thank you, Commissioner Baran. Would anyone else
8 like to make comments? Commissioner Hanson?

9 COMMISSIONER HANSON: Thank you, Madam Chairman. I just want to
10 applaud the extraordinary efforts that the staff have gone through over the course of the COVID
11 public health emergency and recognize that each of the successes that, the stories that we're
12 going to hear today, involved herculean efforts on the part of the staff.

13 And from all across the agency. And staff have worked nights and weekends
14 and so forth, even while having kind of disrupted personal lives. And we're going to hear a lot
15 about that this morning, and I really look forward to it.

16 And I just want to thank them for all their hard work and their commitment to
17 the mission.

18 And on a personal note, to kind of tee off of Commissioner Baran, I feel like I'm
19 kind of a prime example of the agency's commitment and flexibility during this COVID time. I
20 mean, it was on June 8th when a handful of us appeared here. Particularly my fellow
21 Commissioners, which I appreciated very much.

22 And, Madam Chairman, you swore me in and I was here with my family, and a
23 handful of us were here. And Madam Secretary gave me a tour of the online systems and they
24 kind of handed me a laptop and they sent me home.

25 (Laughter.)

26 COMMISSIONER HANSON: And that's where I stayed for at least that good

1 three or four weeks after that. But managed to really to do everything electronically, from getting
2 briefings from the major lines, you know, business lines in the organization, to hiring staff, to
3 everything else.

4 And I just want to thank everyone. My fellow Commissioners, as well as the
5 staff, for making these past 3 months so welcoming and productive.

6 CHAIRMAN SVINICKI: Thank you for that, Commissioner. Commissioner
7 Caputo, did you have any opening remarks?

8 COMMISSIONER CAPUTO: I would just love to add my thanks to the staff for
9 all of their hard work. It's certainly not been easy given the constant changing climates with the
10 pandemic and all of the challenges that it brings.

11 And clearly through all of this time, the staff has never lost their focus on the
12 mission and rising to the challenge to do what it takes. And I really appreciate that diligence and
13 commitment to our mission. Thank you.

14 CHAIRMAN SVINICKI: Thank you, Commissioner. And before we begin and I
15 turn it over to staff, I would just say that when I reflected on my failure to acknowledge that this is
16 your first Commission meeting, it's only because I know that you and I have met on topics.
17 You've been hard to work, you hit the ground running, so I compliment you on that.

18 And I'll just say in my defense that you already seem like an old handed
19 always.

20 (Laughter.)

21 CHAIRMAN SVINICKI: So, just so you know, I think it's good news all around -

22 -

23 COMMISSIONER HANSON: Thank you.

24 CHAIRMAN SVINICKI: -- but I appreciate Commissioner Baran's
25 acknowledgment of that. It's an important milestone and I as well look forward to not only your
26 contributions to today's meeting but, again, we're at our full complement of five and you're

1 already bringing, I think, just insights and things that we are all benefitting from. So, again,
2 welcome.

3 And at some point I hope you can experience the type of Commission meeting
4 where we can pack the room and things like that. So I look forward to that in the future.

5 So with that, we will hear from one panel. Again, of staff experts and
6 executives. And to lead us off I will turn over to the agency's executive director for operations,
7 Margie Doane.

8 Margie, great to see you. The floor is yours.

9 MS. DOANE: Okay. Good morning, Chairman and Commissioners. First I'd
10 like to thank you for the kind remarks about the efforts of the staff because I have witnessed the
11 same thing. It's just been incredible, the resilience of the staff. So, let me turn to my
12 presentation.

13 So, we are pleased to be here today to update you on the agency's response
14 to the COVID-19 public health emergency. And you know we love our acronyms so we might be
15 referring to it as PHE.

16 I'd like to begin today by recognizing two groups of people that are primarily
17 responsible for the NRC's success in fulfilling its mission during the COVID public health
18 emergency.

19 First, the unrelenting dedication of the NRC's COVID task force and the
20 working group. The task force is led by Mark Lombard, the Deputy Director of the Office of
21 Nuclear Security and Incident Response. And you'll be hearing from him in a few minutes.

22 The task force and working group are comprised of a cross-section of
23 employees from numerous offices throughout the agency. They've worked tirelessly to keep our
24 senior management informed of the latest guidance and recommendations issued by the
25 Centers for Disease Control and Prevention and the Office of Personnel Management.

26 They developed cohesive and well thought out re-occupancy plan, guidance

1 documents, instructions for telework and creative ways to keep our staff focused and connected.

2 The executive champion for the task force, Dan Dorman, has played a critical
3 role in providing strategic direction to the task force. He has drawn on his experience in key
4 roles he played during the agency's response to September 11th, 2001, and its Fukushima
5 response.

6 He did all of this during the public health emergency, while also continuing his
7 role as the deputy executive director for operations for reactor programs.

8 The second group responsible, which I think you just recognized for our
9 success over the last few months, has been our NRC employees. The adaptability and
10 resilience of the employees have shown since we began responding to the PHE, that they have
11 shown remarkable stamina.

12 And employees at all levels were willing to find new and innovative ways to
13 perform their work in light of the transition to full-time telework. This required them to move
14 outside of their comfort zones.

15 And in some cases, learn new skills and be more creative in how to conduct
16 routine business processes in a completely different way. We are very grateful for their efforts.

1 I would also like to highlight the virtual onboarding process we deployed this
2 year with great success. Not only for Commissioner Hanson, but we also welcomed this
3 summer our nuclear regulator apprenticeship network class of 2022. And summer interns
4 across the agency offices.

5 Our new employees adapted well to the remote workforce. And I'd like to
6 recognize the Offices of Administration, the Chief Human Capital Officer and the Chief
7 Information Office, OCIO, who worked relentlessly ensuring that our new employees had the
8 necessary support to make their work experience productive. This had to do with space, tools,
9 all kinds of different things.

10 Two key factors guided our actions in preparing and responding to the public
11 health emergency. First, we were focused on protecting the health and well-being of NRC's
12 greater resource, our employees.

13 Our actions were based on federal guidance, best practices and close
14 monitoring of state and local conditions for each of the NRC offices, including the regions, and
15 technical training center. We began by taking precautionary measures to protect employees and
16 prepare them for successful telework experience as we phased into maximum and then
17 mandatory telework.

18 Our first measures were to reduce and then stop all travel, cancel the
19 regulatory information conference and ready the staff for social distancing and working at home.

20 These early readiness measures included significant efforts from the office of
21 the OCIO, or OCIO and the Office of Administration, resulting in equipping employees with
22 additional computer hardware, including laptops, keyboards and monitors, providing cleaning
23 supplies, which we see at the table even here, and hosting training workshops on collaborative
24 IT tools, such as Microsoft 365, OneDrive and Skype.

25 As we move to an all virtual environment, it underscored the importance of
26 transforming and the need to modernize and risk inform how we work while being agile to adjust

1 to our dynamic environment and involving circumstances.

2 It served, the public health emergency and our reaction served as a catalyst for
3 us achieving some transformational goals earlier than we had anticipated, pushing us further on
4 our journey to become a more modern risk-informed regulator.

5 Some examples include routinely use technologies to meet and collaborate in
6 a virtual environment, such as Skype, and now we're moving to Teams, webinars to support
7 internal and external engagement. And OneDrive to develop documents.

8 We moved concurrence packages to a paperless environment, and we're
9 applying our new Be riskSMART framework to address the risk that the pandemic introduced to
10 our licensees and inspectors. Finding timely and responsive solutions while maintaining our
11 focus on the safety and security mission.

12 We're also finding ways, very creative ways, to stay connected. Including
13 weekly updates, weekly EDO updates, Podcasts, office virtual get-togethers and other methods
14 that you'll hear about in our presentations.

15 These are some of the tools that helped us address the numerous challenges
16 facing our staff during these months of telework. Significantly, our new communication avenues
17 proved very important to engaging our staff in a virtual environment after issues of racial injustice
18 and civil unrest arose in our country.

19 The second key factor we remained focused on was meeting our important
20 safety and security mission, even as we face the challenges of the public health emergency. In
21 doing so, we never lost our focus on our mission, including staying aware of the need for
22 regulatory flexibilities, such that licensees recite worker's health and well-being would not be
23 comprised either.

24 This required close coordination and collaboration between headquarters and
25 all regional offices to ensure consistent and appropriate regulatory actions were being conducted
26 at all affected licensees and across the regions.

1 Our staff worked closely with licensees to provide guidance on how to handle
2 the unique situations presented by the public health emergency without compromising public
3 health and safety.

4 While we worked with licensees we communicated with the public and other
5 stakeholders openly and transparently about regulatory flexibilities that were available to our
6 licensees. We also remain focused on key strategic measures for agency performance to
7 ensure that we understood areas of NRC operations being affected by our circumstances.

8 We continue what we call our quarterly performance reviews and added EDO
9 monthly updates on any key performance measures that would be difficult to meet due to the
10 public health emergency. This ensured early alignment on agency actions, transparent internal
11 and external reporting and close monitoring of significant licensing and oversight schedules.

12 Together these measures continue to give us confidence that we are meeting
13 our mission, even as we remain largely in a telework status.

14 We are recording lessons learned from this experience and we'll be better
15 regulators with these new insights. And we know that as this public health emergency
16 continues, we will need to remain vigilant in our oversight, such that we are prepared to take
17 necessary steps to protect public health and safety if we detect a facility is experiencing an
18 impact on its ability to operate safely and securely.

19 We will continue to be in close communication with our licensees on their
20 COVID activities while conducting our normal regulatory oversight activities.

21 And, we will continue to be focused on our staff. We look forward to a time
22 when we can all get back together at full capacity.

23 Next slide please. I would now like to introduce you to the panelists who will
24 talk about the agency's responses to the COVID-19 public health emergency.

25 Mark Lombard will provide an overview of the NRC's internal COVID-19
26 activities.

1 Craig Erlanger is the Director of the Division of Operating Reactor Licensing in
2 the Office of Nuclear Reactor Regulation. He will describe the licensing and oversight activities
3 associated with reactor licensees.

4 Christian Einberg is the Branch Chief of the Medical Safety and Events Branch
5 in the Division of Material Safety, Security, State and Tribal Programs in the Office of Nuclear
6 Material Safety and Safeguards. That's a mouthful. He will discuss licensing and oversight
7 activities associated with nuclear materials.

8 Shana Helton is the Acting Deputy Office Director for NSIR, who has been
9 sitting in that role as Mark moved to the task force. And she'll be talking about NSIR's response.

10 And George Wilson is the Director of the Office of Enforcement, and he will
11 discuss the enforcement activities.

12 So, with that, I'm going to turn it over to Mark.

13 MR. LOMBARD: Thank you, Margie. Good morning, Chairman and
14 Commissioners.

15 Next slide please. The priority for the COVID-19 team is to keep the NRC
16 workforce safe and help reduce the spread of COVID-19 in NRC facilities while continuing to
17 accomplish the NRC's important safety and security mission.

18 We built a strong foundation with two pillars. A strong team and an effective
19 strategy to lead the low risk for the NRC workforce.

20 The COVID-19 team is comprised of the working group and the task force. As
21 Margie indicated, that were built with personnel from key offices.

22 Members of the task force include, the Office of the Executive Director for
23 Operations for the Executive Champion, the Office of the General Counsel for Legal Advice and
24 Compliance Reviews, the Office of Administration for Facility Operations, Workplace Safety,
25 Acquisition of Personnel Protective Supplies and Cleaning Services, and Security Access
26 Controls.

1 The Office of the Chief Information Officer for Technology Tools, the Office of
2 the Chief Human Capital Officer for Telework Policy and Guidance, and the Office of Public
3 Affairs for Effective Internal Communications.

4 The task force includes deputy office directors, the senior level advisory from
5 public affairs and a deputy who also serves as the chair of the working group. The working
6 group includes subject matter experts from these offices, including Nuclear Security and Incident
7 Response for expertise in Continuity of Operations Program, or COOP, pandemic and incident
8 response activities.

9 We also utilize members of the Office of the Executive Director for Operations
10 Transformation Team for staying connected at distance podcasts and other key support.

11 We employ a classic incident response strategy that we're so good at here at
12 the NRC. With key elements and a twist or two.

13 The key elements of the strategy are, it had to be agile, deliberate, well
14 informed and adaptive. We had to make quick progress.

15 We keep it simple, transparent and collaborative. All viewpoints are fully heard
16 at every single meeting.

17 We update products strategically as conditions or situations change. We
18 achieve swift response to events and changing circumstances, and we maintain close
19 collaboration with offices and the regions to have a one NRC approach.

20 We use the best tools available to us such as SharePoint, OneNote, Skype,
21 Webex and Teams. We use guidance developed by the experts for our work products. We
22 eliminate unnecessary steps like concurrence chains and instead, we obtain concurrence in
23 team meetings or through small group review by email or online, in Microsoft Word.

24 My favorite tool, and the most simple and effective that could be used by any
25 member of the working group, or when a discussion reached the point of diminishing returns is
26 ELMO. Which means, Enough, Let's Move On. And so we would.

1 Next slide please. We knew communication would be key to calming anxieties
2 and for the workforce to clearly understand the agency's path forward.

3 We established and populated internet and SharePoint sites within 48 hours,
4 so both virtual private network and Office 365 users would have easy access to the plethora of
5 information on the COVID sites. This includes the re-occupancy plan, the re-occupancy
6 guidance document, the re-occupancy training module, frequently asked questions, OMB, OPM
7 and CDC guidance links. And employee polling results.

8 We hold regular senior leadership, deputy regional administrator and union
9 status meetings to answer questions and gather feedback. We posted a hundred frequently
10 asked questions and 60 COVID-19 bulletins and the EDO issues weekly updates.

11 We conducted two staff polls in May and June to inform re-occupancy
12 planning. We used this information to determine the re-occupancy priorities.

13 As we found in May, that 83 percent of NRC employees were not comfortable
14 coming back into an NRC facility at that time. This percentage increased to 88 percent in June.

15 We issued our third poll last Thursday and early results indicate employee
16 sentiments have not changed significantly since June.

17 The data gathered in May and June led to allowing any member of the
18 workforce who wanted to work in an NRC building to do so. Confident that occupancy would be
19 much lower than our pre-COVID-19 levels. And that has been the case.

20 We began electronically collecting lessons learned in May for continuous
21 improvement throughout the event. And also for use post-event to inform pandemic and COOP
22 plan improvements.

23 The task force attended more than 50 office, division and regional all hands
24 meetings, two agencywide town halls, three supervisor and team lead town halls and one
25 supervisor and team leader open door meeting. We issued a hundred Staying Connected at a
26 Distance posts with many including podcasts.

1 Supporting too is very popular and helped our workforce feel more connected
2 by sharing excellent tips of how to cope with the challenges of being a most remote workforce.

3 The re-occupancy plan was established and implemented with several key
4 drivers. The first being, it had to fit the NRC. And it had to communicate key information for
5 each phase, including meeting and travel information, as well as the status of building amenities
6 such as parking in the healthcare center here at headquarters.

7 It's based on OMB, OPM and CDC guidance and best practices from other
8 agencies. The faces are consistent with the administration's plan for opening up American
9 again.

10 We used state and local conditions as primary considerations for the phases.
11 And we communicated social distancing measures, contact tracking and notification process and
12 access requirements, through the re-occupancy guidance document and any associated
13 required training module.

14 We monitored NRC facility occupancy and health impacts daily and
15 absenteeism biweekly with the intention to make and require adjustments to the plan if needed.

16 As you know, an effective telework program is key to success in a COVID-19
17 environment. On March 19th the Executive Director for Operations issued a mandatory telework
18 order for Phase 0, then we moved to maximum telework in Phase 1.

19 And now we are in expanded telework with maximum flexibilities for NRC
20 locations in Phase 2. Which is headquarters, Region I and Region III, with Regions II and IV and
21 the Technical Training Center remaining in Phase 1 at this time.

22 Within one day of the EDO issuing the mandatory telework order, 98 percent of
23 NRC staff were in a telework status. This level of telework in such a short amount of time would
24 not have been possible without the diligent efforts of the corporate offices, the Office of the Chief
25 Information Officer keeping our technology up running and using supplemental funding to
26 increase our bandwidth to enable a maximum capacity of 4,000 connections with 3,400 to 3,700

1 individuals connecting to our network remotely on a typical work day.

2 The Office of Administration and the regional directors of resource
3 management and administration, helping keep our building safe and responding quickly to
4 situations.

5 And the Office of the Chief Human Capital Officer providing maximum telework
6 flexibilities to address the challenges and needs of our workforce, such as the ability to complete
7 a tour of duty in a 24 hour per day, 6-day-per-week time frame.

8 Also for revising the related telework guidance as new OPM guidance was
9 issued. And building a new streamlined telework agreement form for use during the public
10 health emergency, the NRC Form 626.

11 Next slide please. We believe the diligent efforts of the working group and
12 task force resulted in the robust defense-in-depth approach you see depicted here to protect the
13 health and safety of the NRC workforce as they continue to protect people and the environment.

14 I look forward to your questions later on this morning, and I now turn it over to
15 Craig Erlanger of the Office of Nuclear Reactor Regulation.

16 MR. ERLANGER: Thank you, Mark. Good morning, Chairman and
17 Commissioners. I'm one of the leads of NRR's COVID-19 Coordination Team known as the
18 NCCT.

19 The NCCT provides the overall coordination within NRR and across the offices
20 for the regulatory activities associated with reactor licensees. This position has afforded me the
21 opportunity to be involved in many aspects of the public health emergency and the agency's
22 response.

23 Before I begin I'd like to take a moment to highlight a few themes that will
24 appear in all of the presentations. And we'll hear about them in the subsequent remarks
25 provided by NMSS and NSIR.

26 While our themes will be similar, the content of the presentations will provide

1 different agency perspectives. These themes include interoffice collaboration, the expanded use
2 of technology, interactions with the industry to determine and discuss regulatory challenges, the
3 sharing of lessons learned and balancing the importance of protecting health and safety to
4 public, our inspectors, and site personnel, along with the need to conduct effective licensing and
5 oversight that supports NRC's safety and security mission.

6 Next slide please. The outstanding contributions made by staff across the
7 agency have enabled us to accomplish our mission during this challenging time.

8 These partners include, but are not limited to, staff within NRR, the Office of
9 the Chief Information Officer, the Office of General Counsel, the Office of Nuclear Security and
10 Incident Response, the Office of Enforcement, the Office of Nuclear Material Safety and
11 Safeguards and the regional offices.

12 Within NRR we establish the NCCT as the agency was preparing to
13 commence full-time telework. The establishment of the NCCT demonstrated our ability to pivot
14 and prioritize to address PHE associated actions effectively.

15 We have a core group of staff and managers that work on these matters.
16 Depending on the task, we partner with the relevant organization to get the job done.

17 Specifically, the NCCT is responsible for coordinating NRR's response to PHE
18 related actions, maintaining the status of licensing and oversight activities, identifying and
19 proactively addressing challenges and implementing efficiencies to complete our PHE related
20 work and serving as a point of contact for matters raised by the industry and members of the
21 public.

22 In early March, with the recognition of the viruses spread and the uncertainties
23 of the future, we promptly engaged with licensees and agency representatives to, on the
24 regulatory requirements that could pose operational challenges due to personnel safety
25 considerations such as social distancing.

26 We provided licensees with the option for certain regulatory flexibilities to

1 manage their workforce during the pandemic. Such as addressing work hour controls and allow
2 licensees to defer certain activities that otherwise would challenge both national and State
3 guidelines for reducing the spread of the virus. Such as certain training qualification and exam
4 requirements.

5 To enhance both our transparency and openness, we engaged stakeholders in
6 public meetings and leveraged these interactions to gain perspectives from the public, as well as
7 to communicate our plan to actions. NRR has led multiple public meetings related to both
8 licensing and oversight.

9 Of note is the level of public participation in these meetings. In one instance
10 we had over 600 participants.

11 We proactively determined the appropriate type of regulatory relief and for the
12 high priority needs that were identified, we leveraged our well-established regulatory
13 instruments, like exemptions, relief requests, license amendments and the enforcement policy to
14 grant temporary flexibility where appropriate.

15 We outlined clear expectations in letters to industry to identify the necessary
16 set of information needed to expedite the staff review of exemptions and relief requests.

17 To date, we've issued seven letters that address the following requirements.
18 Work hour controls, operator qualification program and medical exams, security personnel
19 training and qualification, respirator fit testing and medical exams, fire protection, reporting
20 requirements related to outage activities and full participation of biannual emergency
21 preparedness exercises.

22 In these letters we stressed the need for site specific controls to ensure
23 acceptable alternatives during the temporary relief period. I want to emphasize that these letters
24 did not constitute pre-approval of a request. We reviewed each request on its own merits and
25 granted a request to only if the appropriate controls were in place and the appropriate
26 regulations were satisfied.

1 Moving forward in determining whether to grant future requests, or determining
2 whether existing exemptions may be modified or withdrawn, the staff will consider the
3 requirements, the cumulative impacts on safety and security and site specific considerations, as
4 well as regional and local circumstances that could affect the site.

5 Next slide please. As of the end of August, we've issued a total of 217 reactor
6 licensing actions related to COVID-19. The staff successfully completed the high volume of
7 mission critical work while we were in a telework environment.

8 On the right side of the slide you'll see the number of licensing requests, which
9 utilized each of the previously mentioned letters to industry. Please note that all of these are
10 exemptions with the exception of the owner activity report item, which is a relief request.

11 Next slide please. To accomplish our reactor safety mission and oversight
12 program during the PHE, we relied on the outstanding efforts of the division of reactor oversight,
13 the regional offices, and most importantly, our inspector community.

14 Priority was given to protect the health and safety of inspectors, site personnel
15 in the community while maintaining risk-informed oversight that supports reasonable assurance
16 of adequate protection.

17 We issued inspector guidance on March 19th and April 16th that highlighted
18 the need that each operating reactor site should be visited by a resident inspector approximately
19 once every 3 business days. Regional administrators were given the flexibility to balance the
20 local health conditions against the plant risk profile to determine the appropriate onsite presence
21 of inspectors.

22 Inspection Manual Chapter 2515, Appendix E, Inspection Program
23 Modifications During Pandemics, Epidemics or Other Widespread Illness or Diseases was
24 updated on March 27th as well. This manual chapter gives guidance for the use of a graded
25 approach to meet the objectives of the reactor oversight process during such things as a
26 pandemic, specifically COVID-19.

1 In April of this year we started an effort to determine if modifications were
2 needed to complete the ROP in 2020 due to mandatory telework.

3 This guidance was issued on May 28th and confirmed that very few
4 modifications were required and established the goal to complete at least the minimum
5 inspection samples for the baseline inspection program for each site.

6 This guidance also gave guidelines to the regions for transitioning inspection
7 effort for mandatory telework back to more traditional approaches, such as beginning to
8 schedule and implement team and individual inspections and increasing resident inspector
9 onsite presence and inspection activities.

10 Lastly, the guidance discusses an inspector should leverage telework to
11 complete the more administrative aspects of the ROP. Based on this guidance, the regional
12 team inspectors have spent more time conducted remote inspections and have gone onsite
13 when necessary to complete inspection items.

14 In some instances, they've requested the assistance of the site resident
15 inspector to verify an inspection item. As of September 8th, 70 percent of the currently
16 scheduled minimum baseline inspection samples have been completed.

17 Next slide please. Sharing information with stakeholders and the public was,
18 and continues to be, a key focused area during our response to the PHE.

19 To increase transparency and openness, we created a public Web site
20 focused on COVID-19 topics to provide an easily accessible location to communicate agency
21 actions in response to the PHE. The public Web site includes the different categories of
22 regulatory relief with associated highlights of NRC actions, communications and frequently
23 asked questions.

24 Also listed on the public Web site are summaries of completed public
25 meetings, as well as a list of all approved COVID-19 licensing actions for power and non-power
26 reactor licensees.

1 There is also the links for the incoming requests as well as the NRC's decision
2 documents.

3 We also partnered with multiple offices to develop dashboards to communicate
4 the status of PHE related actions.

5 We also implemented a process that licensees can utilize to submit certain
6 COVID-19 exemptions or relief requests through an online submittal portal on the NRC public
7 Web site. This is new and innovative territory for operating reactor licensing.

8 We are taking learnings from this initial effort and developing tools for the
9 increased use of web-based licensing submittals in other areas. For example, we are expanding
10 the use of web-based relief requests for all activities, not just those associated with the COVID-
11 19 PHE.

12 Another new area is remote access. Licensees have given our inspectors
13 access to log in remotely to their respective intranets, via the NRC's virtual private network,
14 licensee provided laptops or via other means. As a result, obtaining information necessary for
15 monitoring aspects of the plant or for use during an inspection preparation, allows us to perform
16 many oversight functions while in a telework status.

17 Our inspectors have access to licensee's data such as plant parameters,
18 operator logs, condition reports, risk profiles, calculations and daily plant status packages. The
19 flexibility of the regions and inspectors to use technology to accomplish our mission using all
20 available resources has been exemplary.

21 Next slide please. We kept the appropriate focus and continued to make
22 progress on pre-COVID-19 operating reactor business line priorities, such as Vogtle 3 and 4,
23 NuScale advance reactors and accident tolerant fuel.

24 Despite the immediate need for our COVID-19 response, these major projects
25 remain critical to the agency, and we remain accountable to Congress and the American people
26 for making timely regulatory decisions.

1 We also did not lose momentum related to ongoing non-COVID-19
2 transformation and innovation activities. In fact, the PHE offered us a unique opportunity to
3 accelerate innovation in order to meet new challenges.

4 Some examples include revising our metrics originally designed to eliminate
5 the backlog of licensing actions to those that better assess performance, the development of
6 something called the mission analytics portal and the associated licensing and oversight
7 modules, the modernization of the biweekly Federal Register notice process. And as previously
8 discussed, the use of technology to conduct remote inspections.

9 Next slide please. Thanks to the efforts of our outstanding staff, we've
10 continued to accomplish our normal licensing workload in addition to the high volume of COVID-
11 19 related actions.

12 Even with the increase in workload due to the PHE, routine non-COVID-19
13 licensing actions, such as amendments and relief requests, continue to be processed on time.

14 Since beginning telework, the average age of completed operating reactor
15 licensing actions has decreased from 237 days to 129 days. Additionally, the average number of
16 actions completed per month has increased from 70 to 102, while the average number of new
17 submittals has increased from 60 to 102.

18 Some of the review efficiencies can be attributed to the development of
19 COVID-19 specifics guidance for staff, the use of templates and the use of a tiger team
20 approach to conduct reviews. Additionally, lower absenteeism during the PHE played a factor in
21 our ability to complete actions in shorter timeframes.

22 Next slide please. We've implemented numerous process improvements that
23 are making the current way we approach work more efficient in the light of the PHE.

24 We're identifying new areas worthy of long-term transformation, lessons
25 learned and best practices that can be utilized as we move forward to make us a more modern,
26 risk-informed, efficient and effective regulator.

1 As previously discussed, one example of transformation is providing the
2 capability for licensees to submit certain licensing actions electronically. In the long-term we
3 envision using online submittals on a greater scale within NRR.

4 We recognize the need to communicate internally and externally, often and
5 early during the PHE. Examples of our successful communications are the public meetings we
6 held and the public Web site that includes the highlight of NRC activities.

7 For uncommon situations, like the COVID-19 PHE, organizational agility is also
8 a key attribute required for success. For example, standing up an organization like the NCCT to
9 handle the demands of this atypical situation was vital to accomplishing our mission.

10 We are in the process of evaluating the best approach for full scale resumption
11 of the oversight and continue to engage across the agency to share best practices in both
12 licensing and oversight.

13 Working groups have been established to elicit feedback. And once
14 completed, we plan on developing a lessons learned document that we will make publicly
15 available. This will support our commitment to both openness and continuous improvement.

16 With that, I conclude my remarks. And I will now turn the presentation over to
17 Mr. Chris Einberg.

18 MR. EINBERG: Thank you, Craig. Good morning, Chairman and
19 Commissioners.

20 I had the pleasure of serving as one of the NMSS leads for the coordination
21 within NMSS and across the offices for the regulatory and oversight activities associated within
22 nuclear materials during the COVID-19 PHE.

23 Next slide please. As noted by the previous speakers, the staff were
24 instrumental in ensuring the effective execution of the agency's safety and security mission
25 during the PHE.

26 This included collective contributions by the NRC staff and headquarters in

1 NMSS and the Offices of the General Counsel, Enforcement and Nuclear Reactor Regulation,
2 Nuclear Security and Incident Response, staff in each of the NRC regional offices, the
3 Agreement States, the Advisory Committee of the Medical Uses of Isotopes, ACMUI, the
4 success of the staff's ability to maintain the continuity of functions for the nuclear material safety
5 program despite the transition to maximum telework, the minimal travel remains extraordinary.

6 We recognized early in the PHE that licensees may experience challenges in
7 meeting certain regulatory requirements. On April 7th we issued a letter which outlined the
8 regulatory options for material licensees to seek regulatory relief that may be necessary during
9 the PHE.

10 We identified multiple methods of providing relief from regulatory requirements
11 while continuing to maintain safety and security.

12 The staff evaluated and determined with what temporary exemptions would be
13 appropriate and developed exemption templates and guidance and examples of acceptable
14 safety bases to guide licensed reviewers in evaluating requested temporary exemptions on a
15 case-by-case basis in a manner that ensured safety and was timely.

16 As of September 3rd, 54 exemptions were issued. Thirty-five of which were
17 nuclear material users, five spent fuel storage and transportation, eight fuel facility and six low
18 level waste exemptions.

19 In one instance we determine that the licensee, that we determine the
20 issuance of a new license rather than an exemption was more advantageous from a regulatory
21 perspective. The staff determined that the expedited review of the license application
22 maintained the adequate protection of public health and safety and the environment was in the
23 public interest.

24 After the re-prioritization of the resources and the execution of a quality review,
25 an exempt distribution license was issued for products that will be used in the development of
26 the vaccine for COVID-19.

1 In addition, we promptly engaged with our stakeholders, which included the
2 public, industry, Federal partners and the ACMUI. We proactively increased communications
3 with our stakeholders, both internal and external, to ensure transparency.

4 To date, six public meetings have been held regarding the process to provide
5 temporary relief to nuclear materials licensees.

6 In addition, we held frequent calls with Industry to understand whether there
7 were impacts on the site operations due to the COVID-19 PHE, identify potential exemptions and
8 relief requests, share information and provide guidance.

9 The Industry noted their appreciation to the staff on several occasions for
10 maintaining open lines of communication and for providing prompt and necessary relief in a
11 manner that continued to ensure safety.

12 On June 1st we issued an inspection guidance and decisionmaking
13 considerations as COVID-19 restrictions began to ease across the country. This guidance is
14 intended to balance the importance of protecting the health and safety of our inspectors and site
15 personnel, along with the need to conduct effective oversight that supports the agency's critical
16 safety mission.

17 During the ongoing PHE, we have continued to exercise appropriate flexibilities
18 as defined in the applicable inspection manual chapters to implement the inspection oversight
19 program. Inspections have been completed through remote means in its entirety while others
20 have been completed with a combination of remote inspection, followed by an onsite inspection
21 for aspects of the inspection that cannot be completed remotely.

22 Cross regional support for inspections have been used to avoid having staff
23 travel long distances through high COVID-19 transmission areas. When appropriate, and in a
24 risk-informed manner, certain aspects of the inspection can be waived for the inspection cycle
25 activities when we are faced with an inability to safely travel to conduct an onsite inspection.

26 The staff continues to evaluate future inspections on a case-by-case basis to

1 determine if inspections should be deferred, conducted onsite, remotely or a combination
2 thereof, to ensure the safety of both the NRC staff and licensee personnel.

3 Resident inspectors at Category 1 fuel facilities are continuing onsite activities
4 at a reduced schedule and perform oversight functions remotely, similar to resident inspector
5 activities at the power reactor sites.

6 Next slide please. As part of ensuring the agency's mission, the staff worked
7 closely and routinely met with the Agreement States, as well as the organization of Agreement
8 States, OES, in the conference on radiation control program directors, to ensure material safety,
9 security, readiness and compatible approaches while maintaining a strong partnership.

10 We coordinated to facilitate public meetings with licensees and to discuss
11 pathways for regulatory relief. To ensure continuity of framing options, we developed and
12 included more online and virtual course offerings.

13 We engaged the Agreement States early during the PHE, to offer NRC
14 assistance as needed and to share our experiences and approaches to deal with the challenges
15 presented by the PHE. This included sharing inspection, licensing and enforcement approaches
16 with the agreement statements to enhance our mutual decisionmaking.

17 In addition, the staff adjusted activities and schedules related to the Integrated
18 Materials Performance and Evaluation Program, also known as IMPEP, in partnership with the
19 impacted Agreement States.

20 We also developed and worked collectively with OES in the development of a
21 temporary instruction for IMPEP reviews that consider the impacts that the PHE will have on the
22 national materials program.

23 Next slide please. During the COVID-19 PHE, we continue to deliver results
24 on all non-COVID related high priority activities. Staff utilized a prioritization and shed list to
25 manage the workload.

26 Several activities were postponed or delayed due to shifting priorities. For

1 example, the revision to the consolidated guidance about materials licensees NUREG-1556,
2 Volume 20, was delayed and several Agreement State IMPEP reviews have been postponed.

3 Implementing this enterprise risk management approach allowed the staff to
4 continue performing normal licensee and inspection oversight workload in addition to the
5 COVID-19 related actions. Some examples of these activities are noted on the slide, but are in
6 no way limited to the following.

7 First, in overseeing the preparation and pouring of concrete for dry cask
8 storage pad at Three Mile Island. The next picture is responding to questions from members of
9 the public regarding objects found with radioactive markings, such as an old compass and
10 assessing whether there are any public safety and health concerns.

11 Next, signing a Memorandum of Understanding with the U.S. Environmental
12 Protection Agency in July, which provides a framework for coordination and cooperation in the
13 regulation of in situ recovery process of uranium extraction.

14 And lastly, renewing the operating license of Honeywell's International
15 Uranium Conversion Plant in Metropolis, Illinois, for an additional 40 years. The first 40 year fuel
16 cycle renewal under 10 CFR Part 40.

17 To remain transparent on COVID-19 related activities, the staff also
18 successfully held a series of other external virtual stakeholder meetings with the public, Industry,
19 our international regulatory partners, Agreement States, Federal partners and ACMUI.

20 Next slide please. Similar to the reactor safety program, we created a public
21 Web site focused on COVID-19 topics to provide an easily accessible location to communicate
22 agency actions in response to the PHE, as well as a list of COVID-19 regulatory relief requests.

23 In addition to the Web site, we developed and implemented an online portal for
24 licensee submittals for COVID-19 exemption requests. Both the Web site and the online portal
25 provided an innovative way to remain transparent regarding COVID-19 licensing requests with
26 our stakeholders.

1 The staff also optimized the opportunity to innovate our approach to executing
2 inspections. For example, leveraging the use of cameras and other technologies and the
3 completion of documentation reviews remotely to efficiently reduce staff time and travel
4 resources.

5 A combination of a remote and focused onsite inspections is currently being
6 conducted to consider local conditions and necessary precautions for each facility.

1 Pictured on this slide is a materials inspector from Region III preparing to
2 inspect a newly licensed cardiology office that conducts diagnostic medical procedures using
3 radioactive material.

4 During the PHE, we also remained focused on promoting and implementing
5 innovation across the agency. For example, in June the staff held a Innovate-a-thon event which
6 highlighted all of the great work done by the innovation program and successfully launched the
7 Innovate NRC 2.0 program in IdeaScale, the new agencywide innovation platform.

8 The event had high staff participation and over 42 success stories for
9 innovation were submitted.

10 One of the challenges issued as part of the event was to improve the, improve
11 upon the agency's use of agile teams by making the team more efficient and effective. The
12 scrum agile team model was presented for the challenge and will be piloted during the review of
13 a petition for rulemaking.

14 Next slide please. Even with the uncertainties that are presented with the
15 evolving PHE, we are assessing several core areas for the future. Some of which include the
16 following.

17 The likelihood that existing exemptions will need to be extended, the possibility
18 of diminished capability to convene in-person public meetings, the priority and schedule for
19 casework that has been or may be displaced by COVID-19 related casework and the long-term
20 priorities and procedures for inspections.

21 We are also assessing the implementation of the inspection oversight program
22 during the PHE to inform current and future inspection guidance for oversight activities during
23 the periods of travel limitations. This effort will also inform whether any new or different ways for
24 implementing the inspection program should be adopted in the future.

25 Additionally, we benchmarked NMSS hiring, onboarding and training
26 processes in COVID-19 telework environment with the recent experiences of other offices. We

1 also evaluated technical reviewer disciplines for which we are one deep in the requisite skill and
2 experience and developed contingency plans.

3 We are in the process of evaluating lessons learned and best practices for the
4 transferability to enhance programs and post-COVID-19 environment. Our efforts are
5 collaborative and cooperative, with both an internal and external stakeholders to the nuclear
6 materials program.

7 This concludes my presentation and I look forward to any questions you may
8 have. And now I'd like to turn the presentation over to Shana Helton.

9 MS. HELTON: Thank you, Christian. Good morning, Chairman and
10 Commissioners.

11 Today I'll give an overview of how COVID has impacted our security and
12 incident response program.

13 Next slide please. I'll start by describing how we have approached force-on-
14 force inspection activities.

15 These complex performance-based exercises involve extensive planning,
16 many interdisciplinary participants from across the U.S. and a broad range of intensive activities
17 involving gatherings of both small and large groups of people for things like lock downs, tabletop
18 exercises, meetings and reviews. As well as the exercise play itself.

19 We paused the force-on-force inspection schedule in March and initially
20 thought we would resume in July or August. But as the PHE continued, we had to reassess our
21 approach considering Federal, state, local protection recommendations, as well as the
22 conditions at licensee sites.

23 We held multiple meetings with stakeholders to hear about how the sites were
24 adapting their practices during the PHE. And to share options that were being considered by the
25 staff.

26 We heard many licensee concerns, but the nature of force-on-force exercises

1 posed a risk to their staff. And we heard many feedbacks from the public about the continued
2 importance of strong NRC oversight.

3 Additionally, we benchmarked our plans against the Department of Energy,
4 who also conducts force-on-force for their facilities, and international regulators, such as
5 Canada.

6 We closely examined the state of the security program implementation and
7 oversight and were mindful of the security exemptions that we had already granted during the
8 PHE.

9 As regional restrictions were lifted somewhat, the staff resumed much of the
10 security baseline inspection program through a mix of remote and in-person activities. But it
11 became clear that it would be quite some time before conditions would permit the safe
12 resumption of full force-on-force exercises.

13 We continued to work with our external stakeholders to inform our
14 decisionmaking on when this time will come. Which is not likely to occur until sometime next
15 year.

16 Therefore, we developed a special inspection procedure to safely assess
17 licensee security programs during the PHE. The special procedure is a tool to provide
18 continuity, enable prudent inspection activities and ensure that licensees security programs
19 continue to be well prepared to defend against threats.

20 The slide here, you can see it now, shows our inspection team at Cooper, the
21 first site to be inspected using the special procedure. Don't worry, I'm not showing anything that
22 is classified here.

23 This shows a limited scope, tactical response drill underway with the licensee's
24 mock adversaries and their controllers preparing to install to position, response position inside
25 the turbine building. These inspections are an opportunity to gain valuable insights and lessons
26 learned, to inform our security oversight program going forward.

1 While I focused my remarks today on our adjustments to the oversight of
2 physical security, I should note that the PHE has also impacted our cyber oversight program.
3 Originally, we had planned to complete cybersecurity full implementation inspections by
4 December. But now we expect to have them complete by June 2021.

5 Next slide please. Now I'll speak about how we have leveraged our mature
6 regulatory framework and well-established relationships to adapt to this novel circumstance in
7 the emergency, or EP arena.

8 NRC staff regularly communicates with FEMA staff in the normal course of
9 business and those interactions have continued during the PHE.

10 Additionally, we have engaged with other stakeholders, such as the
11 conference of radiation control program directors, State and local emergency management
12 agencies and licensees. We held a meeting in June to hear from these stakeholders, as well as
13 members of the public.

14 Both the NRC and FEMA are taking proactive steps within each agency's
15 responsibilities to address the PHE. The staff has remained aware of FEMA's capability
16 assessments, as well as their monitoring of offsite response organizations capabilities.

17 We are mindful that State and local emergency response organizations across
18 the nation are currently focusing their time and resources on responding to the PHE. As well as
19 providing for public health and safety and the common defense and security.

20 To date, FEMA has not identified any weaknesses that would prevent State
21 and local emergency management organizations from responding effectively in the event of a
22 radiological emergency at a commercial nuclear power plant.

23 Next slide please. Craig already discussed the expedited exemption review
24 process that we use during the PHE. His slides showed the substantial increase and additional
25 work we received from licensees seeking exemptions from security requirements. Mainly in the
26 areas of staff training and qualification.

1 Speaking for the NSIR management team, we are very proud of how the staff
2 demonstrated dedication and agility in response to this unforeseen increase in work. We were
3 able to absorb the increase by leveraging the availability of staff, whose workload may have
4 decreased during the PHE. Such as security inspectors whose oversight activities were
5 postponed.

6 Turning now to the EP arena, in March, FEMA and NRC jointly issued a letter
7 on exercise postponements. This letter foresaw that as the PHE carried on, the number of
8 postponed radiological emergency preparedness exercises would rise.

9 In May, the NRC issued guidance to the Industry for delaying onsite EP
10 exercises. This letter leveraged the process that we had previously established in 2006 to give
11 regulatory relief to sites impacted by hurricanes.

12 As the PHE worsened, it became apparent there may be a need to reschedule
13 exercises outside of calendar year 2020. Or to exempt licensees from undertaking their full
14 participation exercises.

15 Therefore, we recently issued an addendum to our May letter to add guidance
16 for a streamlined process to consider such requests.

17 Our licensees have a long history of practicing their onsite and offsite
18 emergency plans and have continually demonstrated their readiness to respond to a radiological
19 event.

20 When licensees conduct their biannual onsite exercises, we know they will
21 simulate interactions with, or even have limited involvement by offsite organizations to
22 demonstrate risk significant planning standards.

23 Additionally, we note that offsite response organizations are currently
24 demonstrating their response capabilities. Including making decisions on protective actions for
25 the public in their efforts to combat COVID.

26 The staff has full confidence that in the event of a real radiological emergency

1 the licensees and the offsite organizations that support them will fully respond and give their best
2 efforts to protect public health and safety.

3 Next slide please. Like others on this panel have noted, our staff has done a
4 very good job of embracing technology to manage the transition to a largely remote workforce.

5 That said, we do have a limited number of staff who have been continuing to
6 perform their work in the office these past several months. We have staff who work on
7 safeguards and/or classified and mission critical work. And our headquarters operations officers
8 have continued to staff our OP center around the clock.

9 We have used technology to ensure that staff remains engaged and connected
10 to both each other and to the NRC's mission. For example, we created the open source read
11 book to convey intelligence information to staff working remotely.

12 And we have transitioned our monthly intelligence briefings to a virtual
13 environment, delivering very successful unclassified briefings.

14 NSIR continues to keep a strong focus on a variety of transformation initiatives
15 that we've begun before the PHE. For example, we have made meaningful progress on
16 enhancements to our incident response program to better align with national response functions.
17 Both with use of terminology and to right size our response efforts.

18 We've already conducted a series of dry runs, re-written applicable procedures
19 and trained our responders. This had us well posed to work remotely as the new processes
20 offered more flexibilities and remote capabilities than our current program.

21 In fact, the new information sharing processes were used in the agency's
22 response to Hurricane Isaias and Hurricane Laura.

23 We continue to look for timely approaches for licensee use of new
24 technologies, such as an integrated public alert and learning system to enhance communications
25 within the licensee's emergency planning zone.

26 And firearms training simulators, which enabled the heightened use of

1 technology and the licensee training and qualification program.

2 And we have made substantial progress on our cyber action plan, which I
3 briefed to the Commission last year. We have recently made advancements on risk-informed
4 approaches for scoping critical digital assets. And we are making strides and enhancing the
5 cyber oversight program to make it more performance-based and to leverage lessons learned.

6 And lastly, I'll note that we had a recent success in the application of an
7 initiative for accepting risk and decisionmaking called Be riskSMART. We used this in our
8 development of a policy recommendations for the Commission to consider on enhancements to
9 the security oversight program.

10 Thank you very much for the opportunity to present this morning. This
11 concludes my remarks and I'll turn it over to George.

12 MR. WILSON: Thank you, Shana. Good morning, Chairman and
13 Commissioners. Today I'll give you an overview of what the Office of Enforcement has been
14 working on during the public health emergency.

15 Next slide please. We developed an overarching methodology to enable the
16 agency to give discretionary relief for all NRC licensees that was legally defensible and
17 repeatable within the existing processes.

18 There was effective collaboration with all program offices, regional offices and
19 the Office of General Counsel, to successful develop and deploy the appropriate enforcement
20 relief tools, such as enforcement guidance memorandum.

21 As well as providing guidance and support to other licensing options as
22 previously discussed, such as very narrowly focused exemptions and relief requests, which were
23 more appropriate to the circumstances and licensing needs, always ensuring reasonable
24 assurance of adequate protection.

25 Next slide please. We issued an umbrella enforcement guidance
26 memorandum with multiple attachments during the public health emergency.

1 Based on the need for the appropriate flexibility in responding to the ever
2 changing events of the public health emergency, the staff developed an umbrella enforcement
3 guidance memorandum to allow for the periodic addition in the form of separate attachments of
4 additional guidance on a topic-by-topic basis.

5 Attachment 1, discretion was given to specific security personnel who were
6 currently qualified in accordance with 10 CFR Part 73, Appendix B. The NRC continues to have
7 reasonable assurance of adequate protection because of the rigorous nature of nuclear security
8 personnel training programs.

9 It is reasonable to conclude that security personnel will continue to maintain
10 their proficiency, even though the re-qualification periodicity is temporarily exceeded.

11 In Attachment 2, discretion was given to specific materials licensees that have
12 suspended the use of their license material and placed all their license material in safe storage
13 in accordance with duplicable NRC requirements.

14 The NRC has reasonable assurance of adequate protection since the licensee
15 continues to comply with the regulatory storage requirements. In addition, prior to the
16 resumption of the use of the license material, the licensee must restore full compliance with all
17 requirements in a timely manner.

18 This was a first of kind of use of a discretion method given that we issued a
19 chart with several regulations and several requirements on it, where the commonality was
20 regulatory storage requirements.

21 In Attachment 3, the discretion given was specific to licensees who are in
22 noncompliance with their emergency preparedness requirements that were precipitated by the
23 public health emergency.

24 The NRC has reasonable assurance of adequate protection of public health
25 and safety since contingency plans are effectively evaluated, documented and communicated to
26 all applicable licensee staff prior to the implementation. So the emergency response readiness

1 would be effectively maintained during the public health emergency.

2 Currently, we're working with other offices to evaluate potential future needs,
3 such as potential use of discretion for medical licensees with the Nuclear Material Safety and
4 Safeguards Office.

5 We also use technology to continue the mission of the agency, and the office,
6 by utilizing Skype, Webex, Zoom and digital signatures documenting for processing.

7 As previously described, my staff also embraced technology, showed
8 resiliency, dedication and flexibilities to continue to complete the mission of the agency. Some
9 examples were allegation review boards were held virtually. We performed allegation program
10 audits virtually. We continued to process multiple FOIA requests, we continued evaluating and
11 processing different professional opinions and participated in regional counterpart meetings to
12 talk about the program.

13 We also participated in various domestic and international activities associated
14 with safety culture.

15 In addition, we developed a methodology to enable the agency to efficiently
16 process ongoing enforcement actions in a fair and equitable manner by utilizing Webex and
17 Zoom platforms.

18 This was able to be completed by the effective collaboration with the Office of
19 Chief Information Officer and Office Administration to successfully expand the scope of the
20 Webex contract to provide live support for the preliminary enforcement conferences.

21 To perform the preliminary enforcement conferences in a virtual environment,
22 we established mutual ground rules for the Webex conferences. We provided effective just in
23 time training, 20 sessions to NRC staff and to licensees, for all participants.

24 We also had a lessons learned. We had installed defense-in-depth after the
25 court reporter lost computer connection during one of them, so we had them establish both a
26 telephone line and a computer line so that we didn't have to repeat 15 minutes of one of the

1 conferences.

2 As of today, we have completed 14 preliminary enforcement conferences and
3 two alternative dispute resolution mediations during this time of the public health emergency in
4 headquarters alone.

5 That ends my presentation. I look forward to answering your questions. And I
6 will now turn the meeting back to Margie. Thank you.

7 MS. DOANE: Thanks, George, and all of you for your presentations. And I
8 also want to thank the staff who continued to demonstrate that the NRC is a great place to work,
9 and they've demonstrated this by their receptivity to change and their dedication to excellence in
10 all that they have been doing during this emergency. Despite all the challenges NRC employees
11 remain engaged and dedicated to their work and upholding NRC's important safety and security
12 mission for the American people.

13 I also want to give a special thank you to Luis Betancourt who did a
14 tremendous job in developing the staff's presentations and prepping us for today, and all in a
15 virtual environment. Really was an incredible effort.

16 And we also know that while we have these presentations there are dozens
17 and dozens of people behind these presentations performing all of the work that you've heard
18 about today. So we want to thank all of them as well.

19 And that concludes our presentation, so we look forward to your questions.

20 CHAIRMAN SVINICKI: Well, thank you very much, Margie. I will lead us off
21 on the Commission side to just explore some topics and have some questions for all of you.

22 I was going to begin with the same acknowledgement, Margie, that you just
23 gave. Although we have the wonderful presenters we had here today from the staff, what
24 they've talked about is the work of really thousands of other employees. And I think it was
25 Commissioner Hanson was mentioning the fact that preparation for this meeting allowed one to
26 step back and look at the totality of the agency's response from the very beginnings of the public

1 health emergency.

2 And I think we tend to forget right now there was a lot of uncertainty in the
3 beginning about how quickly things might progress, but Mark Lombard was mentioning classic
4 incident response strategy, which I think was a comfort to me and many of us knowing that
5 whatever capacity folks have presented in today so many of you have at least a background for
6 some part of your NRC time in incident response or supporting agency incident response and
7 emergency planning.

8 So I think that was a wonderful just cultural strength that we brought to the
9 response, and it's reflected in what I think by any objective measure is really an impressive just
10 disciplined and structured and systematic response. But the good thing about people who are
11 trained in incident response is they know not to kind of lose their cool. So there was a lot of
12 calm-headed approaches to things. And again just working and being a member of this
13 Commission for so long and working with so many of the staff I knew that they would bring that
14 capacity to bear.

15 But something we know about incident response though is that day to day,
16 week to week, month to month the incident itself is evolving. And so the successful conquering
17 of early challenges is not rewarded by just sitting back and keeping those strategies in place.
18 You've got to constantly be looking at what the event is presenting to you.

19 And while again humanity is fortunate in that COVID-19 didn't end up being
20 like a rapid-fire progression through the population, it could have been worse, which is I guess a
21 kind of trite thing to say, but the progression of it allowed for this type of systematic response.
22 But part of that response is activities that can be restructured, re-prioritized and/or deferred. And
23 something that was very central to early judgments that had to be made was the Oversight and
24 Inspection Program.

25 And so I think for Craig and Christian and Shana, for the areas they have may
26 successful challenges. Things have been put in place. Things have been addressed. Shana

1 had talked about security oversight exercises, working with FEMA. Craig talked about working
2 with other regulatory partners, as did Christian.

3 But this is likely to be a public health emergency of a somewhat long/longish
4 duration. We're all very optimistic for a proven vaccine that can be available in some time
5 period. It's not happening tomorrow. And even if it emerges quickly, still there's a lot of logistical
6 things to work out.

7 So as you think -- the three of you think about the program areas and issues
8 that you're representing here today, is there something that you would identify as kind of where
9 you're pivoting to? We're six months in, but if we look at being 12 months in or 18 months in,
10 what are the important -- and you don't have to have the answers today, but what are the areas
11 that are front-of-mind for the leadership teams in the areas you work?

12 Maybe we'll start with Craig because he went a little earlier in the program. He
13 has had time to reflect a little bit more.

14 Craig, please go ahead.

15 MR. ERLANGER: Thank you, Chairman.

16 For NRR I'd say one area we're focused on now, and really for the entire to
17 agency is the letters we've issued and the temporary relief they offered and the periodicity of
18 those letters.

19 So for example, in the Part 26 Work Hours Letter we had a finite period of 60
20 days where we wanted to reassess whether that was the appropriate exemption that should be
21 in place. The other letters had dates that said the end of the public health emergency or
22 December 31, 2020.

23 As we approach the end of the calendar year, as you mentioned, things have
24 changed. So there are certain skills that degrade over time for licensee performance. There are
25 other things that have changed as well such as availability of medical and the ability to get
26 exams that maybe you had to put off during the early part of the pandemic.

1 So we're looking at all that now and making sure that we have the appropriate
2 tool and we're granting the appropriate relief and that that matches the site-specific
3 circumstances. So I would offer that up.

4 CHAIRMAN SVINICKI: And I think as I listened to that -- and I'll let Christian
5 go next, but I -- there can be a tendency to look at it at such a high level going, well, is this
6 regulated facility safe or unsafe? But what I've been impressed by is the level of granularity that
7 the staff has had to look at in some of these -- the relief that's been offered, things like security
8 responders and how are they -- are they going to the training ranges? Are they doing this? How
9 long can -- you talked about perishable skills and things that you just want to be inspecting and
10 testing.

11 So it isn't that binary -- can this facility keep operating, but respirator fit tests,
12 things like that that you kind of forget are all the things that come together to make the assured
13 safe operation of a facility something that the American people can feel comfortable in.

14 So I appreciate that. And speaking of some of those areas I'll let Christian
15 maybe weigh in or expand on that.

16 MR. EINBERG: Okay. And, yes, thank you, Madam Chairman.

17 In the area of exemptions we're looking at what exemptions have been issued
18 and what exemptions may be needed in the future. And then we're contacting our licensees to
19 see whether there's a need for additional exemptions going forward.

20 What we've heard is that right now there's not a significant amount of need for
21 additional exemptions or to extend the exemptions. Having said that though, we are forward-
22 looking and understanding that there could be a resurgence of the public health emergency. As
23 such we're looking at other types of regulatory relief options and we're looking at developing an
24 Enforcement Guidance Memorandum that maybe -- and George can expand on that.

25 But the attachment that we have right now to the Enforcement Guidance
26 Memorandum is for licensees that have ceased operation, but we're looking at expanding that to

- 1 include licensees that are operating and we're evaluating whether we should issue another
- 2 regulatory relief option in this manner in the Enforcement Guidance Memorandum.

1 We're also taking a holistic approach in all of our lessons learned, and so we're
2 calling it the NMSS of the Future, our lessons learned initiative. And we're looking at the
3 regulatory approaches that we have ongoing right now, the work processes, and then also work
4 life issues. And what's worked during the PHE may not be suitable going forward, so we've
5 established some focus teams to look at those various areas.

6 CHAIRMAN SVINICKI: Thank you.

7 Shana, did you want to add to that? I imagine there's a lot of parallels for
8 NSIR.

9 MS. HELTON: Many parallels. And I'll just say that we -- looking at December
10 originally, when the PHE started, we thought we were being fairly generous with our time frame
11 and as it turned out it was perhaps not long enough. And we are starting those discussions
12 about what relief is needed as we go beyond the December time frame.

13 Not all the conditions are the same. When we first granted our exemptions, to
14 use your example, Chairman, the weapons ranges were maybe not available and now some of
15 those ranges have opened up. So we really need to look at what the local conditions are today
16 and really think hard about those things perishable skills. We know from interactions with our
17 licensees that they want to get as much trigger time for their security staff as possible. They
18 don't want to lose those skills either. So we have to look at what does the condition really permit
19 in terms of what can we do and what's reasonable as we move forward.

20 One thing I'll say is the value of our Appendix C inspections. Instead of the full
21 force-on-force security inspections our special inspection procedure -- it has been limited. It's
22 not the full test of the licensee's protective strategy, but it is giving us very valuable insights.
23 How do you work with the PPE? Are your communications going to be garbled as you're trying
24 to inject from a controller? How do you manage the physical distancing? Can we get inside a
25 bullet-resistant enclosure? So that's giving us some good insights too as we look to the future
26 and for how long this can carry out.

1 CHAIRMAN SVINICKI: Well thank you all for that. And just -- I have very little
2 time left, but Christian mentioned the compilation of lessons learned, and maybe today's meeting
3 isn't temporally appropriate to really talk about -- those are being compiled, but what will the staff
4 do in terms of a systematic look as we move either further into the public health emergency and
5 then eventually emerging out of the public health emergency? What are those positive
6 attributes?

7 Many people talk about the pandemic as being a change accelerator to so
8 many processes that exist kind of in our lives and our economy, things that were already maybe
9 not making a lot of sense in the modern economy. Their demise is being accelerated rather than
10 entirely new phenomenology from the pandemic. It is accelerating.

11 And Margie talked about the fact that just going through these experiences is
12 an accelerant to some of the staff's evaluation and consideration of the move toward the modern
13 -- more modern risk-informed regulatory path that we've been on.

14 So I try to tell friends and family as we bemoan this -- someone's graduation
15 couldn't be attended, someone's wedding was deferred, is that there will be things that come out
16 of this that challenged us, but there will be really positive attributes that we'll bring forward.

17 So I appreciate -- maybe 6 months in is a little too early, but I know you're
18 compiling them, which is the most important thing is to make sure these lessons don't get lost.
19 And beyond that I'll look forward to hearing from the staff how you're going to engage
20 systematically in looking at that. And I'm slightly over my time, so I will now turn to
21 Commissioner Baran.

22 COMMISSIONER BARAN: Well, thank you. Thank you to the presenters for
23 your presentations. That was a tremendous amount of information I can't believe you packed
24 into one hour.

25 (Laughter.)

26 COMMISSIONER BARAN: And I was skeptical. You did it. And I think there

1 was actually a lot in there to be encouraged about.

2 If I think about the COVID timeline, for the first few several months after the
3 pandemic struck NRC was conducting very few in-person safety and security inspections. At
4 most nuclear power plants our resident inspectors were on site far less than usual and there
5 were almost no regional team inspections happening. I appreciate that the staff has focused on
6 getting the resident inspectors back on site more frequently and generally getting back to safety
7 inspections.

8 Craig, you noted that the staff has set a goal of meeting the minimum samples
9 for the reactor oversight process baseline inspections this year. Are we on track to get those
10 inspections done?

11 MR. ERLANGER: Yes, we are on track to complete the inspections by the end
12 of the calendar year. We are roughly at 70 percent, which equates to approximately about 800
13 hours of inspection hours to date.

14 As you commented on, in the middle of March we did take a pause from on-
15 site inspections. The principal driver behind that was to figure out how to use some of the
16 remote capabilities and looking at things prior to going on site. But to answer your question, we
17 are on track and we are at roughly 70 percent right now.

18 COMMISSIONER BARAN: That's good news. And in my conversations with
19 NRC inspectors and managers I get the sense there is a renewed recognition of the value of in-
20 person safety and security inspections, whether it's the ability to walk down safety-related
21 equipment, talk informally with plant employees to gain insights about licensee performance or
22 the intangible but very real effect of having inspectors with an NRC hard hat visible around the
23 plant conducting on-site oversight activities.

24 Can you describe, Craig, some of the particular in-person inspection activities
25 the staff has found most valuable during this period?

26 MR. ERLANGER: Sure. I'll provide two examples to start and see if that gets -

1 -

2 COMMISSIONER BARAN: Great.

3 MR. ERLANGER: -- to the root of the question. The first one would be event
4 response. The feedback we've received from the region is that if there something such as a
5 complicated trip and a senior resident can be on site, they learn a lot by being in the control
6 room.

7 On balance, some inspectors have commented having the ability to log in
8 remotely and see the actual plant parameters as a complicated trip is occurring has been
9 beneficial as well, but there is an overriding interest in being on site when those types of actions
10 happen.

11 Another example I'd offer is adverse weather conditions such as hurricane
12 preparation, the ability to be on site and walk down a site and physically being there. That would
13 be another example where being on site would be helpful.

14 Does that answer your question?

15 COMMISSIONER BARAN: Yes, it does. Thanks.

16 MR. ERLANGER: Thank you.

17 COMMISSIONER BARAN: Due to COVID we haven't restarted full force-on-
18 force security inspections at nuclear power plants as Shana discussed. Instead we're discussing
19 -- or we're not discussing -- we're both discussing and conducting limited-scope physical security
20 exercises.

21 Shana, can you briefly discuss the specific health risks of conducting full force-
22 on-force exercises at this time? You talked about it briefly, but --

23 MS. HELTON: Yes, I am happy to elaborate. So normally during a full-scope
24 force-on-force exercise many people are brought to the site. So there's the licensee personnel.
25 They'll typically have observers for training purposes or to get other sites in their fleet ready for
26 their own force-on-force inspections.

1 We bring -- the MILES trailer is actually DOE who brings the equipment that's
2 used for the laser tag-sort of exercise that happens during the force-on-force. That MILES gear
3 is brought in from Tennessee along with DOE personnel. We have SOCom advisors that come
4 in from Florida to help us with some of the technical blast analyses and what not in addition to
5 our headquarters and our regional inspection staff.

6 So it's that traveling of people from around the country. Not only that, during
7 the exercise play the licensees will have usually three shifts I think of their security personnel
8 involved with the exercise. So they'll have their players, their controllers and their on-duty
9 personnel.

10 We heard early on from the sites that they were exercising their pandemic
11 plans to ensure that they were keeping their security force safe. They had some -- we heard
12 extensively and we had some closed meetings to hear the specifics of it, but we heard
13 extensively their concerns about keeping their security staff in what they're calling pods to
14 ensure that they're minimizing interactions in terms of when they're doing briefings.

15 They're limiting the interactions between their own teams of people to try to
16 keep that separation because they don't want to have a situation where somebody gets COVID
17 and then they have to quarantine an entire shift, or even if it spreads to others. And there were
18 some true concerns I think expressed by the industry about maintaining security at the site by
19 making sure their security staff stayed healthy.

20 COMMISSIONER BARAN: How important are the three limited-scope
21 exercises per plant for demonstrating a licensee's ability to defend the plant and implement its
22 protective strategy? How much more information do they give us than a table top or a site tour
23 or a protective strategy briefing?

24 MS. HELTON: Sure. So the table tops really just give us some insight to their
25 vulnerabilities and their protective strategies. When we run the limited-scope exercises we're
26 able to start at a -- we can pick a defensive position that we want to test and then we can run a

1 true performance-based exercise where we see how the security staff perform under duress.

2 We've had some good learnings from watching this already, just practicing with
3 their weapons or their equipment. It's been really instructive. So we found it valuable. We've
4 heard good feedback from the licensees that they found the limited-scope exercises valuable as
5 well.

6 COMMISSIONER BARAN: Okay. And I'm going to ask kind of a truth-in-
7 advertising question; I'm going to ask it to you, Margie, related to this, which is these limited-
8 scope exercises are not force-on-force exercises and NRC is not currently complying with the
9 statutory requirement to hold force-on-force exercises. Instead the agency is doing what it can
10 do safely during the pandemic. Is that a fair statement?

11 MS. DOANE: Yes, that is a fair statement. We're doing what we can.

12 COMMISSIONER BARAN: Okay. And I'm going to go all the way over to
13 Marian because it so rarely happens -- I don't even know if you have a microphone, Marian. Oh,
14 you do.

15 Do you agree with that? So we're in a situation right now where we're not
16 complying with the statute, we're not able to, to do it safely for the reasons Shana discussed, but
17 we're doing the most we can do. Is that a fair assessment?

18 MS. ZOBLER: Yes, Commissioner, that's true as both Shana and Margie
19 recognized that these limited-scope assessments would not meet the requirements of the statute
20 to have every 3 years an assessment. But my understanding it is the best that we can do under
21 the circumstances.

22 COMMISSIONER BARAN: Okay. Thanks. I appreciate that and I think it's
23 just important for people to understand that.

24 As soon as practical we're going to need to get back to running force-on-force
25 exercises. Shana, can you talk a little bit about what are the criteria for restarting the full force-
26 on-force exercises and are the restart decisions going to be made on a site-specific basis?

1 MS. HELTON: Sure. We don't have the criteria developed today, although
2 we've had a couple of public and closed interactions to discuss what those criteria might look
3 like. And we've seen some that were proposed by the industry. We've had healthy discussions
4 on those and we know they're thinking about it as well for what that might look like.

5 As we go forward we're talking with DOE. We had a meeting with Department
6 of Energy just this week to see what their thinking is also about restarting force-on-force. We're
7 keeping close ties to what's going on with NMSS and NRR to make sure that we're consistent
8 between the safety activities and how we're approaching those inspections and also being
9 consistent with security.

10 Some of the things that we need to grapple with as we go forward with
11 restarting are how do we deal with using PPE and social distancing? So as the sites are
12 currently in their pandemic plans that poses a challenge in terms of bringing the number of staff
13 to the site. But then also once we get them there, how do we do it safely and not having the
14 certainty of how things will roll out with COVID. So those are the things we're looking at.

15 It would be a site-by-site decision because we'll be looking closely -- and in
16 fact it's a site-by-site decision just to go to do an inspection today to make sure that we can get
17 their safely and we can conduct our inspection activities in a safe manner.

18 COMMISSIONER BARAN: Thank you.

19 Thanks, Chairman.

20 CHAIRMAN SVINICKI: Thank you very much, Commissioner Baran. And with
21 that hopefully the telephonic connection is still activated because next is Commissioner Caputo.

22 Commissioner Caputo, can you hear me?

23 COMMISSIONER CAPUTO: Yes, I can hear you.

24 CHAIRMAN SVINICKI: Okay. Great. Please proceed.

25 COMMISSIONER CAPUTO: Thank you. Once again I just want to state that -
26 - how impressive it's been to staff in terms of how they manage to accomplish their work and

1 amid all the challenges.

2 I think some of my questions are going to be in the capacity of how staff really
3 are adapting to expanded use of technology, some of which are familiar; some of which have
4 been used, but now based on the need to respond in a pandemic environment really expanding
5 our capabilities, which I think is a testament to the capabilities of the CIO, but also to the
6 workforce for adapting in terms of how -- the nature of how they do their work is changing.

7 I'd like to start with Craig. You mentioned online submittals for COVID-related
8 exemptions or relief requests and also how you are expanding the web-based licensing submittal
9 to other areas such as non-COVID relief requests.

10 Given the nature of how you mentioned the workload is increased due to
11 COVID how is the efficiency of this process helping you manage the overall workload?

12 MR. ERLANGER: Thank you, Commissioner. There's definitely an up-front
13 investment right now for the resources we're putting towards the use of online submittals. There
14 has been phenomenal collaboration with the NRR staff, OCIO, OGC to name a few
15 organizations to make it happen.

16 What I'd offer is we use electronic submittals for a variety of things in our day-
17 to-day life. And we're catching up in some respects at the NRC, but we're making sure we're
18 doing that in accordance with the regulations, the requirements for computer systems. And it's
19 an up-front investment right now, but we believe there's going to be some long-term efficiencies.

20

21 As licensees utilize these systems more, we learn more and we're able to pay
22 that forward. And from our usage during the pandemic we see greater utility in the agency as a
23 whole as we move forward.

24 COMMISSIONER CAPUTO: And maybe it's too early, but can you give me a
25 sense of how long you think it would take to achieve full implementation?

26 MR. ERLANGER: To make sure I understand your question correctly, full

1 implementation for all the requirements would probably take some time, and some may not be
2 suited exactly for online submittals, but for the programs we have in place such as submitting an
3 exemption request for a Part 26 work hours controls or relief requests they're up and running
4 now. Getting that broader to just general exemptions, that will take a bit of time. The things we
5 can do immediately though are the electronic routing aspects of it and moving documents
6 throughout the agency electronically vice the more traditional concurrence practices that we've
7 used over the years.

8 So we can get back to you on an exact timeline, but we're doing it right now as
9 we speak. To give you an idea related to the pandemic, we've had online submittals related to
10 operator licensing, work hour controls and in the area of relief requests. So we're seeing
11 movement in that area and licensees are utilizing the systems.

12 COMMISSIONER CAPUTO: Okay. So to the extent that you can use modern
13 technology it's helping the workforce, it's helping your employees manage the workload via
14 telework even though they're working differently than they used to?

15 MR. ERLANGER: Absolutely. And other efficiencies we're seeing from using
16 digital concurrence processes, using technology to conduct meetings, to ensure that we're
17 routing documents through the proper processes. We're able to -- the technology has been an
18 accelerator to make that happen. And it is being used today and I envision it being used on a
19 greater scale as we move forward.

20 COMMISSIONER CAPUTO: So while it's necessary for us today to utilize
21 these technologies to manage our workload in the pandemic environment, do you see a benefit
22 to continuing this after the pandemic is complete and do you -- are you capturing lessons
23 learned now on how to smooth that path?

24 MR. ERLANGER: So to answer that question in two parts, yes, there is great
25 benefit. The one that I'd point to the most in the area of relief requests and the volume we get
26 on an annual bases. There is a definite benefit to doing that via electronic platforms as we move

1 forward.

2 In regards to lessons learned every day we're learning, and we are
3 documenting that at the -- something as simple as how to conduct a virtual public meeting to the
4 more detailed stuff related to online submittals such as permissions and routing and how
5 documents move through our network. So yes, we are learning every day and documenting
6 that.

7 COMMISSIONER CAPUTO: Thank you. I have another question for you,
8 Craig. You mentioned how remote access is giving inspectors the ability to accomplish many of
9 their oversight functions through telework by being able to access plant parameters, operator
10 logs, risk profiles, et cetera. In a post-COVID environment would this technology create
11 efficiencies in terms of how inspectors manage their work and enable them to expand their role
12 perhaps and conduct additional work based on time savings and using this remote technology?

13 MR. ERLANGER: Yes, my opinion is where it's adding value is how
14 inspections are approached. There are some things that can be done before you get on site
15 from reviewing more administrative aspects associated with the ROP. This is not to be
16 construed as an instead-of-on-site inspection. There's going to be -- there has to be a healthy
17 balance in doing that, but there are ways that you could structure your inspection activities where
18 you could spend time prepping and looking at stuff provided by the licensee prior to getting on
19 site and then using your time more efficiently while you are on site. So I would offer that this is
20 something that we'll continue to learn from and be able to use when we get back to the more
21 traditional approaches to inspection.

22 COMMISSIONER CAPUTO: So it could be a useful tool going forward just in
23 terms of expanding their reach and allowing inspectors to cover more ground?

24 MR. ERLANGER: Yes, I would agree.

25 COMMISSIONER CAPUTO: Okay. And even though I've been posing my
26 questions to NRR I do want to acknowledge NMSS certainly has experience with web-based

1 licensing in the materials area. And I also wanted to mention that certainly at last year's
2 Transformation Expo I listened to a very enthusiastic presentation from some NMSS folks on
3 how they're using mobility to enable inspectors in the field in conducting their materials
4 inspections. So kudos to both organizations for I think what I would consider real-time
5 transformation happening on the ground. And certainly the pandemic may have forced some of
6 this innovation into being, but I just really consider it stellar work that the workforce has
7 embraced this as an opportunity to expand their capabilities. And I think it's very impressive and
8 a testament to the caliber of the staff.

9 And with that I have no further questions. Thank you.

10 CHAIRMAN SVINICKI: Thank you very much, Commissioner Caputo.

11 Next we will hear from Commission Wright.

12 COMMISSIONER WRIGHT: Thank you, Chairman. And before I start again
13 welcome, Commissioner Hanson. You and your staff have done a really good job. I mean I
14 remember when they rolled the thing and handed the keys and said you're on your own. You've
15 done a very good job with that. So congratulations.

16 I'd like to start by offering my appreciation to Margie and the staff and the
17 leadership of the agency because you've really demonstrated a unique ability to be effective,
18 efficient, flexible, resilient in meeting our vital security mission. And -- because it's been very
19 stressful for a lot of people and it's very uncertain right now what the future is going to hold. For
20 myself I'm very proud to be a part of this agency. I'm impressed and I'm humbled by and I'm
21 grateful for the staff's work.

22 And to Margie, before I ask my questions; I'm going to probably start with you, I
23 want to offer my thanks for your leadership during these times. It's the small things that make a
24 difference sometimes and your uplifting notes have been very well received in encouraging us to
25 take a break and step back from things, take a deep breath, pause a beat and then resume your
26 activities. Because although it's been very stressful I think a lot of people, including myself, have

1 experienced a lot of blessings from it as we've gone through things. So stop and smell the
2 roses, right? So this is a great thing and I do appreciate you encouraging us to get away from
3 the computer whenever possible, as long as we get our work done.

4 So on that note my first question to you has to do with the Employee
5 Assistance Program. Given all the stresses that some of them are facing I hope that the
6 employees who need the support are taking advantage of the EAP. So is the NRC -- are we set
7 up to ensure that all the employees are getting the assistance they need during this stressful
8 period?

9 MS. DOANE: Oh, that's a really good question. Thank you. So we did make
10 sure that the Employee Assistance Program was available and up and running and we have
11 encouraged staff to use it. And as soon as the pandemic started it was a great surprise to me
12 that I got reported that someone had -- one of our employees, their husband's aunt -- or I'm
13 sorry, uncle had passed away right away. This is when -- the very start from COVID, right at the
14 very start -- the beginning of this. And then we kept hearing more.

15 We have a very open and collaborative environment right now. And so we
16 heard of people losing their parents and -- or one parent and all kinds of different things. So we
17 knew right away. And there are all kinds of things that are just like fact-of-life changes that
18 happen, people not being able to reach family members and things like that. So the stresses are
19 really -- they're large.

20 And so that's a great message and I appreciate you saying it so that we can
21 remind employees, because it's good that we recognize that it's something that we do
22 encourage. So we've made it available. We've encouraged its use. And I think the more we
23 can talk about it and make sure our staff utilizes it as they need it is really important.

24 COMMISSIONER WRIGHT: Thank you. My next question is related to and
25 has to do with the agency's COVID-19 funds. We received 3.3 million I believe COVID-related
26 funds. And we've since received several more congressional inquiries about whether we needed

1 additional monies or not.

2 And so far I understand probably that our answer has been no we don't need
3 them at this time. Is that accurate I guess and --

4 MS. DOANE: Yes, that's accurate.

5 COMMISSIONER WRIGHT: And have -- the status of the funds that we have
6 used, have we used them all now? Are they all -- has that been depleted or do we have funds
7 still available or --

8 MS. DOANE: So my understanding was that they were nearly depleted. So I
9 would get back to you on an exact number, but yes we have used them to expand our bandwidth
10 very early on and to do some other things to bring our systems --

11 COMMISSIONER WRIGHT: Okay. Thank you.

12 Hey, Mark. Feel like I got to turn around so I can talk to you. So I want to
13 thank you for stepping up and your leadership has been awesome from day one. From day one.
14 And I know I speak for all of us when I -- I think I can say nobody expected this
15 in --

16 (Laughter.)

17 MR. LOMBARD: For sure.

18 COMMISSIONER WRIGHT: So I do appreciate you taking care of our most
19 precious resource and protecting the safety of our people and doing everything you can to keep
20 them as safe as possible.

21 So I had a question about our notifications and communications related to
22 COVID. And I know there can be some variation when people talk about what it means if you're
23 presumed positive or whatever. So the process that we have, the NRC's notification, inquiry and
24 communication for employees who meet that criteria of COVID cases, are we consistent with
25 other agencies in that -- in how we determine that? Are they being followed consistently in all
26 our regions and at the TTC as well?

1 MR. LOMBARD: So first you're very welcome and thanks for pointing that out.
2 It's been 27 weeks of a very interesting time for us.

3 And so that's something that we were very concerned about early on: Are we
4 being consistent? So we have 19 other agencies that we've done benchmarking with and we
5 keep in touch with them, especially if we have a special question that comes up and we send
6 somebody out, who's the best person, who has the most tight connection with that agency? We
7 send them out to dig into it and see what they're doing.

8 What we're finding out is that there's some consistency and there's not.
9 There's a poll that's been put out there by the Small Agency Council, and we've been looking at
10 that. It was refreshed. I think we got a new version of it maybe a week or two ago. So we're
11 looking at that. And there are things like -- simple things to the most difficult things. Simple
12 things like are you blocking doors open? We're not blocking doors open here because we want
13 to use card readers to do contact tracking. We don't call it tracing because we're not
14 epidemiologists. We do contact tracking. So we leave the doors closed so if there is a positive
15 and we need to do some tracking of that individual, where they were, we use the card reader
16 data as much of possible. That's only one piece of the puzzle.

17 The other thing is -- so with consistency between agencies we've pulled good
18 practices from other agencies all along the way, through OMB but through direct contact as well.
19 So you ask a really good question: What is the criteria?

20 We just revised the re-occupancy guidance about a week or so ago. And now
21 it's called Meet the Criteria for COVID-19. There's three tests: One is a positive test. Duh. That
22 makes perfect sense.

23 The second is a close contact, and close contact is defined in the re-
24 occupancy guidance. We've been playing with that as well and monitoring CDC. What is our
25 criteria? Is it several minutes? We say several minutes in the re-occupancy guidance because
26 the CDC guidance was five and 10, and then there's other data out there too that suggests

1 maybe it takes longer. So we say several minutes because people don't always have their
2 watch up while they're communicating with somebody and know exactly how they're in that
3 contact. So it's a close contact is number two.

4 The third is you're symptomatic. You have symptoms of COVID-19.

5 Any of those three and you've been in an NRC building within 14 days of
6 having hit any of those three, that's something that you have to notify us about.

7 COMMISSIONER WRIGHT: So I do appreciate your focus on communication,
8 and effective communication, because that is key especially when things change as fast as they
9 are.

10 What have you found to be the most effective strategy or strategies? And then
11 I guess do these -- do they -- do your strategies differ depending on where you're communicating
12 it, whether it's internally or externally?

13 MR. LOMBARD: I have to give a lot of credit to Holly Harrington personally
14 because it was -- I'm so glad we have her on the task force because she told us initially that the
15 COVID-19 bulletins are too antiseptic. They're too factual. You need something that's a little
16 more softer and to keep -- help people stay -- and we said, wow, what a great thing. Can you go
17 off and fix that? So that's when Staying Connected at a Distance was created. And it's worked
18 out so well.

19 It's to remind folks of announcements. But then how do people stay
20 connected? How do people deal with it? We've had two of the Staying Connected at a Distance
21 actually referred to the Employee Assistance Program and we had information from the
22 contractor of tips to deal with stress and other things that you're feeling during the COVID-19.

23 So we've found that it's communicate times 10 at least. So we're trying to get
24 as much communication out. That's why Staying Connected at a Distance gives -- reaches back
25 and says, hey, did you see this bulletin that was just issued about Phase change or travel
26 information, that type of thing? It's really trying to hit it at all levels, right, the facts, but then also

1 how do you interpret the facts and then what I do with that as an individual?

2 But all the all hands meetings that we've attended over the last 27 weeks we
3 have -- we're regulars with the NRET Chat every other week or so. We're in there answering
4 questions and just -- really just answering questions. People say do you have slides? No, I just
5 want to hear your questions and answer your questions because there's so many of them out
6 there. There's a lot of misconceptions. Not everybody's read the re-occupancy guidance. Not
7 everybody's read the re-occupancy guidance document that we've put out there. So it's in the
8 plan itself. So we want to communicate on all levels.

9 So we're doing those. We're doing supervisory-type to supervisors and team
10 leaders directly and trying to -- hitting at all levels. We have been invited to an AA meeting once
11 and I got another one coming up on October 1st. So we're trying to hit at all levels as much as
12 possible.

13 COMMISSIONER WRIGHT: I'm out of time.

14 (Laughter.)

15 COMMISSIONER WRIGHT: Gosh, that was quick.

16 CHAIRMAN SVINICKI: Does that mean you're yielding back your 13 seconds?
17 Thank you.

18 COMMISSIONER WRIGHT: Thank you so much.

19 CHAIRMAN SVINICKI: And, Commissioner Hanson, before I recognize you, I
20 know in all the reams of information we've asked you to go through in the last few months; I'm
21 sure that you have pored through and memorized the Commission's procedures for presiding at
22 meetings or the conduct of our meetings, you know that one of the practices here that I think is
23 very beneficial to us as a Commission is we rotate the order of recognition so that you do not, if
24 you are the least senior member on our Commission, always go last.

25 So I just mention that to you that when you come here and you learn about
26 that, you think, oh, well, that's kind of different, but I actually think it's a wonderful practice

1 because we each get to rotate the opportunity to have both the first bite at the apple on the topic
2 but also to kind of just mop -- clean up and go I heard a lot of interesting other questions. So I
3 think it's a beneficial practice.

4 But with that, we had suspended meetings for a while so we reverted back to
5 me going first. So for this first Commission meeting, I'm sorry you are last up in the questions.
6 But we -- that will change. So with that you are recognized for your questions. Thank you.

7 COMMISSIONER HANSON: Chairman Svinicki, I appreciate that very much
8 as I watched my list of questions dwindle listening to my colleagues --

9 (Laughter.)

10 COMMISSIONER HANSON: -- this morning to know that that will not always
11 be the case going forward. I really do appreciate it.

12 I wanted to pick up on something that Commissioner Wright brought up and
13 recognize again I think the Herculean efforts that the staff have made throughout this period,
14 right? Mark mentioned it: Twenty-seven weeks and counting now. And lots of nights, lots of
15 weekends and with oftentimes an unsettled home life at the same time.

16 So, but I think even Hercules I think got to take a break at various points during
17 the 12 trials and establishing that work/life balance is -- for the staff I think is so important.

18 And certainly, Margie, your notes from the EDO have helped that. The EAP of
19 course is a really important component of that.

20 But Mark mentioned earlier I think one of the surveys that we've had
21 throughout this, and I'm wondering if we've gotten any specific feedback from the staff on
22 work/life balance and the need for that and kind of how to make some of the changes we've had
23 kind of more sustainable. How do we even this out so that folks aren't getting burned out on
24 some of this stuff?

25 MR. LOMBARD: So I think if anybody asks me what -- when you look at
26 COVID-19, the situation, the environment we're in, what makes you the most concerned, I think

1 that's it. What we've seen and what we've heard from folks from all hands meetings, from
2 regional all hands meetings, it's the same across the board. Margie and Dan and the task force
3 have talked a lot about it. And we've done things, right, to try to help. And we've talked around -
4 - with different offices as well. How can we keep encouraging folks, right?

5 That laptop sitting on your desk calls to you all the time. And I think folks -- I
6 know I had trouble with that and I share that when we have -- when we attend all hands
7 meetings. So we're trying to let people know that it's okay. It's okay to break off from your
8 laptop and to helping supervisors and team leaders. That was one of our topics of conversation
9 we had in our two meetings, three meetings, because we had an open-door as well, to -- just to
10 tell them that help your folks, but help yourself, too. If you're sending emails, as you said,
11 weekends and midnights -- and that's going to send a message to your folks that you expect that
12 from them. So we're really trying to help people understand that as we go forward, that that's -- I
13 mean I think that's the biggest issue that we have to deal with and then work with that going
14 forward, especially folks say in a higher telework -- percentage teleworking than we had before.

15 COMMISSIONER HANSON: Thank you.

16 MR. LOMBARD: And we have done some polling on that, but it's -- I don't
17 want to spend more of your time getting --

18 (Laughter.)

19 MR. LOMBARD: -- if you like.

20 COMMISSIONER HANSON: We'll get into that in more detail at some point,
21 I'm sure.

22 But I think connected to that -- and I'm not sure if the -- I think this is probably a
23 question for all three of you, just about how are you -- the trajectory of the virus is uncertain. It's
24 kind of been uncertain from the beginning. A lot of -- there is talk out there like there always is
25 about a second wave or a third wave or whatever wave it is that we're on, and that's of course
26 going to vary by different parts of the country.

1 How are each of you kind of planning for those -- for the variability in changes
2 in the virus kind of across the landscape?

3 MR. ERLANGER: Commissioner, I'll start for NRR. So I had previously
4 mentioned that we had developed a series of letters that have dates that they expire. So we've
5 been looking forward as to what is the best way and what is the best timing to start engaging on
6 the contents of those letters that relate to exemptions and relief requests?

7 Also as we were standing up the NRR COVID-19 Coordination Team, the
8 NCCT, we also developed a bunch of Tiger Teams out there to look at different aspects of the
9 areas that we regulate and the best way to approach it. We've reconstituted a few of those
10 teams to look at specific areas.

11 To build on something that Mark said is the staff's always -- they're willing to do
12 whatever is necessary to get the mission done. To a person they're willing to step up. There
13 were instances within my division, within the entire office and the agency that no matter what the
14 ask was, they were there. We're trying to plan for that and make that a little bit better now, more
15 predictable as we learn. So we had some initial transition challenges just going to work at
16 telework, going to work at home technology.

17 I think we're through that now. I think everyone's really comfortable with the
18 technology we have. I think we appreciate that we could be in this status for a much longer time
19 and we're really starting to look forward to what will be the next series of regulatory challenges.

20 For us right now the resumption of the Inspection Program as well as the
21 temporary relief we granted, what's appropriate moving forward. So I'll stop with that and turn it
22 over to my colleagues.

23 MR. EINBERG: Yes, thank you, Commissioner Hanson. So as I had
24 mentioned earlier we're taking a holistic approach as to looking at lessons learned from the
25 current situation and we're looking at various aspects of where we can make improvements in
26 planning for the future. And we're calling that the NMSS of the Future.

1 Then within that we're looking at our work processes or regulatory approaches
2 and then also the work/life issues associated with -- the staff.

3 As we've heard today, I have to take my hat off to the staff. They've done an
4 amazing job being flexible and pivoting to a telework environment. Many of them have young
5 children either in school or not in school and they have to balance the workload of the -- with the
6 children and being available for -- being available 24/6. And the staff is appreciative of that, but
7 we have to be mindful that -- of burnout and we're closely monitoring that as well.

8 But we are taking a look at the regulatory approaches. As I mentioned we're
9 looking at the exemptions, whether they're still applicable and if there's other regulatory
10 approaches as far as Enforcement Guidance Memorandum as well. Thank you.

11 MS. HELTON: Thank you, Commissioner. The only thing I'll add to what Craig
12 and Chris already mentioned which is applicable for our office as well is just how much we've
13 been communicating throughout the PHE, and we continue to communicate. So that helped us
14 at the beginning to look at whose workload was interrupted, who was getting extra workload and
15 to help the balance that across the office.

16 We're communicating a lot with external stakeholders as well to understand
17 their regulatory needs. And I think just as it's uncertain and we need to be agile to manage the
18 future those communications are critical.

19 COMMISSIONER HANSON: Great. Thank you very much.

20 I did just want to pivot. Chris, you talked about IMPEP a little bit and I just
21 wanted to ask about how things are going with the Agreement States, whether they have the --
22 how they're faring in this, how the agency is supporting them in some of their efforts, whether
23 they have the resources they need, et cetera.

24 MR. EINBERG: Okay. Yes, thank you for that question. Yes, it's a great
25 opportunity to highlight the great partnership that we do have with the Agreement States. We've
26 been working very closely with the Agreement States, the Organization of Agreement States, the

1 conference -- the Radiation Control Program directors, and we've met frequently with them to
2 discuss the challenges that we're both facing. And among those challenges are what's the best
3 regulatory relief options and lessons learned that we can share?

4 As far as IMPEP goes we've had to postpone some of the IMPEPs and then
5 conduct some of the IMPEPs remotely. We've conducted now Wyoming and Georgia remotely
6 in March and April. And next week we'll be conducting the Virginia IMPEP remotely as well.

7 As far as supporting the Agreement States we provide training to them through
8 the Technical Training Center. Some of those classes had to be converted to virtual training.
9 And so that was very effective and it provided them the opportunity to continue the training.

10 We also -- one of the classes however is the licensing practices and
11 procedures class, and that class, because of the sensitive information within that class, had to
12 be postponed and will be rescheduled for a later date.

13 So I think the partnership with the Agreement State Program is very strong and
14 we've been supportive of each other in our program. Thank you.

15 COMMISSIONER HANSON: Thank you.

16 Thank you, Chairman Svinicki.

17 CHAIRMAN SVINICKI: Well again I want to thank all of my colleagues and the
18 staff as well; and it occurred to me as I listened to my colleagues' questions and the staff's
19 responses, but to any of the staff who are watching the webcast today I just wanted to make an
20 acknowledgement because today's meeting was about the agency's response to COVID-19. To
21 a person I think every member of the Commission is entirely aware that there are a host, an
22 avalanche of non-COVID things that have preceded. And I also wouldn't want any of the public
23 listening in to think that we pivoted in some way to the exclusion of work.

24 I mean tremendous milestones have been met. They're not really the subject
25 of today's topic, but long-standing reviews have been completed and things like that. It wasn't
26 our topic today, but I know the Commission has been very involved in being informed about that

1 all during these months of the public health emergency.

2 And maybe as a teaser for Thursday's meeting, Thursday's meeting we will
3 pivot to talking about the agency's transformation activities. It will allow us to talk maybe a little
4 bit more about the bread and butter of a lot of the ongoing work we had when the public health
5 emergency landed. But I think again this meeting proved to me that this was a really great topic
6 to start with. I think it gets us all on the same set-point of information and exchange and having
7 a continued dialog about this.

8 But there are a lot of NRC employees whose work just kept going on the non-
9 COVID-related things they were working on, so I think that that's great. We acknowledge that.
10 The Commission is very aware of it. But today we talked about COVID, and now we've done
11 that. So again I thank all of you for your presentations.

12 Speaking of our practices, around here one of our practices after a
13 Commission meeting is that all of us, the members of the Commission, would go around and
14 shake hands and giveatta-persons and so thank you so much.

15 (Laughter.)

16 CHAIRMAN SVINICKI: So I just to say from my standpoint what others
17 choose to do is what they choose to do, but please consider all of you to be looked in the eye
18 and thanked very much for your hard work --

19 (Laughter.)

20 CHAIRMAN SVINICKI: -- and being here, but I shan't be coming over and
21 shaking your hand. So thank you. Yes, waving. We'll do a collective wave to each other.

22 And with that if no one has anything further, thank you again. We are
23 adjourned.

24 (Whereupon, the above-entitled matter went off the record at 11:55 a.m.)