



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

October 26, 2020

MEMORANDUM TO: David J. Wrona  
Acting Deputy Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

FROM: Michael Mahoney, Project Manager */RA/*  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF OCTOBER 15, 2020, PUBLIC MEETING WITH  
NUCLEAR INDUSTRY TO DISCUSS POTENTIAL FUTURE  
LICENSING ISSUES TO ADDRESS THE COVID-19 PUBLIC  
HEALTH EMERGENCY BEYOND 2020

On October 15, 2020, the U.S. Nuclear Regulatory Commission (NRC) staff held a public teleconference with representatives from the nuclear industry, including the Nuclear Energy Institute (NEI), Entergy, and NextEra Energy, Inc (NextEra). The purpose of the meeting was to discuss with stakeholders potential future licensing issues to address the COVID-19 public health emergency (PHE) beyond 2020. The meeting notice can be found in Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20269A175. Additional meeting information can be found at ADAMS Accession Nos. ML20287A290, ML20283A707, and ML20287A432.

At the start of the meeting, the NRC staff stated that the meeting was an information gathering dialogue only, and as with all NRC public meetings, no regulatory decisions would be made. Additionally, the NRC staff stated that none of the information provided in the meeting should be taken to be a request by any licensee or a decision by the NRC.

Ho Nieh, Director, Office of Nuclear Reactor Regulation (NRR), made opening remarks. The meeting was then turned over to NEI, Entergy, and NextEra to make opening remarks.

Following opening remarks, Ed Miller, project manager, Division of Operating Reactor Licensing, NRR, provided an overview of licensing issues to address the COVID-19 PHE going forward (ADAMS Accession No. ML20287A290). Items discussed included:

- NRC's COVID-19 response approach for licensing requests:
  - Coordination of activities across the agency
  - Tracking cumulative and potential synergistic effects of regulatory actions
  - Each action considered on a case- and situation-specific basis
  - Continued stakeholder engagement

- Details in the following topical areas, including generalization of previous applications and outlook draft guidance for future requests:
  - Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26 – work hours
  - 10 CFR Part 50.55a – Owner’s activity reports
  - 10 CFR Part 55 – Operator requalification program and medical examinations
  - 10 CFR Part 20 – Respirator fit tests and medical evaluations
  - 10 CFR Part 50 – Fire protection requirements
  - 10 CFR Part 50 – Emergency plan biennial exercise
  - 10 CFR Part 73 – Security training and qualifications
- Overall guidance:
  - NRC staff is currently working on a letter to address various topical areas.
  - Licensees are to submit requests by the normal process.
  - Licensees are to specifically address impacts of COVID-19.
    - Original requests were during a more homogenous environment of restrictions.
    - Varying levels of restrictions and their impacts are to be addressed.
    - Individual licensee situation and hardship need to be addressed.

Anthony Bowers, Chief, Reactor Security Branch, Division of Physical and Cyber Security Policy, Office of Nuclear Security and Incident Response, provided an update regarding 10 CFR Part 73, Appendix B, Section VI, Security Officer Training and Qualification Exemptions (ADAMS Accession No. ML20283A707). Items discussed included:

- Industry request for additional relief due to COVID-19 PHE:
  - On October 13, 2020 (ADAMS Accession No. ML20273A117), the NRC issued a letter as an addendum to the April 20, 2020, letter to provide guidance to power reactor licensees seeking exemption from annual licensee-conducted force-on-force (FOF) exercise requirements in 10 CFR Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” paragraph C.3(I)(1).
  - Some licensees have expressed continued site-specific challenges with annual FOF exercise completion by December 31, 2020.
  - Licensees are to refer to the above October 13, 2020, letter for additional requests for additional relief.
- Details of the October 13, 2020, letter.
- Moving into calendar year (CY) 2021:
  - The NRC recognizes that licensees have reviewed their programs and developed methodologies and processes that allow them to protect their workforce while meeting applicable 10 CFR Part 73, Appendix B, Section VI regulatory requirements during the COVID-19 PHE.
  - The NRC anticipates industry will be able to meet 10 CFR Part 73, Appendix B, Section VI regulatory requirements in CY 2021, including completion of annual exercises.
  - 10 CFR Part 73, Appendix B, Section VI, Subsection A.7, and regulatory guidance provide licensees flexibility in the scheduling and conduct of annual requirements.

- Implementation of annual FOF exercises during CY 2021:
  - The annual FOF exercise enables the security force to gain experience in tactics, protective strategy, and assigned duties within the contingency response plan.
  - 10 CFR Part 73, Appendix B, Section VI, Subsection A.7 annual requirements may be completed up to 3 months before or 3 months after the scheduled date.
  - Regulatory Guide (RG) 5.75, "Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities," provides guidance on exercise conduct. RG 5.75 is one acceptable approach and not the only means of performing evolutions:
    - Simulations and Artificialities (Section 5.7)
    - Cautions and Restrictions (Section 5.8)
  - Recognize that circumstances associated with COVID-19 are dynamic.
    - Planning for CY 2021 annual exercises will be unique. Considerations may include leveraging guidance as a tool for planning.
  - Benchmarking with licensees who have conducted annual exercises:
    - Compensatory measures for bullet-resistant enclosures.
    - Continued use of facial coverings where social distancing cannot be achieved.
    - Limit time spent in groups (e.g., perform safety briefings by individual study, small-group briefings).
    - Prepositioning of responders.
  - Using increased artificialities and simulations as needed to improve margin of safety to protect against the spread of COVID-19.
- NRC-conducted FOF exercises:
  - Developing a plan for NRC-conducted FOF exercises for CY 2021.
    - Plan to transition from NRC Inspection Procedure 92707 to full-scope exercises.
    - Plan to leverage lessons learned to optimize safety protocols and identify opportunities to complete exercises with minimum number of participants.
    - Expect further public interactions in coming weeks.

John McKirgan, Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards (NMSS), provided an overview of COVID-19 regulatory impacts for the areas of fuel facilities and spent fuel storage.

John Hickman, project manager, Division of Decommissioning, Uranium Recovery, and Waste Programs, NMSS, provided an overview of COVID-19 regulatory impacts for the areas of decommissioning and uranium recovery.

Tom Basso of NEI led an industry presentation on input on actions to address COVID-19 exemptions (ADAMS Accession No. ML20287A432). Items discussed included:

- Exemptions with limited further needs:
  - 10 CFR Part 20 – Respiratory radiological protection
  - 10 CFR Part 55 – Operators' license
  - 10 CFR Part 50.55a – Owner's activity report

- 10 CFR Part 50.55a, “Codes and standards”
  - For CY 2020, licensees submitted requests for relief/alternatives for the fall 2020 refueling outages on an as-needed basis.
  - For CY 2021, licensees anticipate similar requests for spring 2020 refueling outages if there is no appreciable improvement in health risk.
  
- 10 CFR Part 26 – Work-hour requirements:
  - For CYs 2020 and 2021, licensees expect to submit requests for refueling outages through 2020 and into spring 2021.
  - Consider reduction of maintenance worker days off from 6 to 4 to align with existing outage allowance.
  - Clarity around the extent to which the 10 CFR Part 26 work-hour requirement exemptions can be used in pre-refueling outage activities.
  
- 10 CFR 50.48 – Fire brigade requirements:
  - For CYs 2020 and 2021, licensees are to potentially submit exemptions for fire drills and extensions for annual training dependent on vendor availability.
  - For CY 2021, “live fire” training requirements already can be extended through December 2021, contingent on licensees’ requests and NRC approval.
  
- 10 CFR Part 73 – Physical protection:
  - For CY 2020, exemptions granted to licensees for elements of 10 CFR Part 73
    - Examples: annual exercise, range activity/weapon qualifications.
    - Licensees will not be required to make up 2020 annual exercises.
  - For CY 2021, RG 5.75, “Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities,” will be utilized to develop flexibility for what licensees can do to meet the annual exercise requirement without violating site-specific pandemic plans/restrictions:
    - Other exemptions for 10 CFR Part 73 requirements will be handled as needed.
  - Anticipate “full” compliance:
    - Any options outside of RG 5.75 will require NRC approval.

During the public question and answer session, the NRC staff addressed questions on the following topics:

- How does the NRC want licensees to document any artificialities or simulations implemented in an annual exercise due to COVID-19 precautions? Would it be acceptable to document the artificiality or simulation and basis for use in the exercise summary report or rollup report?
- Inspection findings during the COVID-19 PHE.

- Has the NRC denied any COVID-19 requests?
- How many COVID-19 licensing actions received requests for additional information?

No regulatory decisions were made in the meeting.

Enclosure:  
List of Attendees

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**ADAMS Accession Nos.:**

ML20293A539 (Package)

ML20293A541 (Meeting Summary)

ML20269A175 (Meeting Notice)

**\*by e-mail**

OFFICE	NRR/DORL/LPL2-2/PM*	NRR/DORL/LPL1/LA*	NRR/DORL/DD(A)*	NRR/DORL/LPL2-2/PM*
NAME	MMahoney	LRonewicz	DWrona	MMahoney
DATE	10/20/2020	10/19/2020	10/23/2020	10/26/2020

**OFFICIAL RECORD COPY**

LIST OF ATTENDEES

OCTOBER 15, 2020, PUBLIC MEETING WITH NUCLEAR INDUSTRY

POTENTIAL FUTURE LICENSING ISSUES TO ADDRESS

THE COVID-19 PUBLIC HEALTH EMERGENCY BEYOND 2020

Name	Organization
Ho Nieh	NRC/NRR
Mirela Gavrilas	NRC/NRR
Craig Erlanger	NRC/NRR
Shana Helton	NRC/NSIR
Sabrina Atack	NRC/NSIR
Ed Miller	NRC/NRR
Michael Mahoney	NRC/NRR
Scott Burnell	NRC/OPA
Booma Venkataraman	NRC/NRR
Todd Keene	NRC/NSIR
Andrew Hon	NRC/NRR
Anthony Bowers	NRC/NSIR
Joshua Borromeo	NRC/NRR
Frederick Sullivan	NRC/NSIR
David Desaulniers	NRC/NRR
John McKirgan	NRC/NMSS
John Hickman	NRC/NMSS
James Danna	NRC/NRR
Robert Kahler	NRC/NSIR
Theresa Buchanan	NRC/NRR
David Garmon-Candelaria	NRC/NRR
Dante Johnson	NRC/NSIR
Charles Murray	NRC/NSIR
Tom Basso	NEI
Sue Perkins	NEI
Justin Wearne	NEI
Tim Riti	NEI
AJ Clore	NEI
Lisa Hogg	NEI
Marty Murphy	Xcel
Dave Gullott	Exelon
Shannon Rafferty-Czincila	Exelon
Cheryl Gayheart	SNC
Dave Mannai	PSEG Nuclear
Lance Sterling	STPEG
Arthur Zarembo	Duke
Ron Gaston	Entergy
Steve Catron	NextEra
Larry Nicholson	Certrec
Mike Callahan	GSI
Ron Reynolds	Exelon
Jana Bergman	Scientech