




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

November 2, 2021

MEMORANDUM TO: David C. Lew, Regional Administrator, RI
Laura A. Dudes, Regional Administrator, RII
Jack B. Giessner, Regional Administrator, RIII
Scott A. Morris Regional Administrator, RIV

FROM: John W. Lubinski, Director 
Office of Nuclear Material Safety
and Safeguards Signed by Lubinski, John
on 11/02/21

SUBJECT: IMPLEMENTATION OF INSPECTION PROGRAMS FOLLOWING
RE-ENTRY FROM THE PUBLIC HEALTH EMERGENCY FOR
THE NUCLEAR MATERIALS AND WASTE SAFETY PROGRAM

The purpose of this memorandum is to provide updated guidance for the Nuclear Materials and Waste Safety (NMWS) program organizations responsible for implementation of the inspection programs as we transition from our maximum telework posture to orderly implementation of the agency re-entry plan. This guidance supersedes the April 17, 2020, memorandum, "Implementation of Resident Inspector Coverage at Category I Fuel Cycle Facilities during Covid-19," (Agencywide Documents Access and Management System [ADAMS] Accession No [ML20106F226](#)) and the June 1, 2020, memorandum, "Inspection Guidance During Transition From Covid-19 Mandatory Telework For The Nuclear Materials And Waste Safety Programs" (ADAMS Accession No. [ML20143A281](#)). The February 19, 2021, memorandum, "Actions Required to Maintain the Effectiveness of the Office of Nuclear Material Safety Inspection Programs," (ADAMS Accession No. [ML21048A030](#)) remains in effect. In addition, this memorandum is consistent with the "Resident Inspector Telework Guidance (Post Re-Entry)," memorandum regarding telework issued on August 17, 2021 (ADAMS Accession No. [ML21229A139](#)).

Effective November 7, 2021, inspection programs should be implemented in accordance with the respective NMWS program inspection manual and procedures. During COVID-19 Public Health Emergency (PHE) some activities were reduced in frequency and support functions curtailed. The inspection program retained the required activities to ensure the facilities operated safely. Although the PHE continues, based on current conditions in country, the facilities and the workspaces are in a safe condition to support full implementation. Consistent with the August 17, 2021, memorandum (ADAMS Accession No. [ML21229A139](#)), most inspection and oversight (regional and resident) activities should be conducted on-site. If site-specific conditions warrant additional actions to protect the health and safety of the inspectors, the cognizant regional office may make adjustments consistent with latest program

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office guidance (leverage the April 2020 table for site-specific adjustments) and in coordination with the program office. Regional inspections may continue to use the flexibilities, as appropriate, leveraged during the COVID-19 PHE such as completing inspections using alternative methods (remotely) or as hybrid inspections (with concurrent and/or on-site follow-up remote activities). Those flexibilities may be leveraged as allowed by the respective inspection manual chapter. For instances that those flexibilities are not explicitly permitted by applicable inspection guidance and result in a program adjustment, the regions will communicate those to the Business Line lead on a quarterly basis as outlined in the February 19, 2021, memorandum (ADAMS Accession No. [ML21048A030](#)). Such flexibilities ensure continued focus on protecting the health and safety of our inspectors and site personnel when implementing our oversight programs.

The following considerations should be viewed as guiding principles for regional decision-making when planning on-site activities:

- Specific health and safety circumstances of individual inspectors and their families, and availability of other inspectors as appropriate;
- Site-specific conditions or planned emergent activities;
- The availability, connectivity, and usefulness of remote technologies for inspectors to provide effective oversight of safety and security activities, including plant information (e.g., meetings, corrective action program, or other data);
- On-site COVID-19 conditions and trends; and
- Local COVID-19 conditions around the site and the community where the inspectors reside or traveling too, including directions from local authorities.

With respect to the reporting requirements discussed in the February 19, 2021, memorandum (ADAMS Accession No. [ML21048A030](#)), for the Nuclear Materials Users Business Line, the regions can rely on data captured in the Office of Nuclear Material Safety and Safeguards (NMSS) dashboard (e.g., inspections conducted within and outside the scheduling window and inspections conducted remotely). No additional reporting is needed; the regions should ensure that data in the Web-based Licensing (WBL) system is maintained up to date. For programs that are not yet fully captured in WBL (and therefore are not captured in the dashboard), the regions will need to communicate program adjustments to the Business Line lead if such adjustments are outside of the routine inspection guidance. However, as noted above program adjustments are acceptable as we will continue to focus on protecting the safety of our staff as well as site personnel when implementing our oversight programs.

The staff continues to evaluate the lessons learned from implementation of the NMWS oversight programs during the PHE and will use the outcomes of these assessment to inform future oversight program enhancements. NMSS will continue to assess this guidance and update it as needed. NMSS has coordinated with the Office of Nuclear Reactor Regulation on issuing parallel guidance for their licensees. For additional guidance regarding travel, personal protective equipment, agency “re-entry, etc.,” please refer to the respective agency or organization guidance.

Implementation of Inspection Programs Following Re-Entry from the Public Health Emergency for the Nuclear Materials and Waste Safety Program DATE November 2, 2021

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