



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

November 19, 2021

MEMORANDUM TO: Those on the Attached List

FROM: Christopher M. Regan, Acting Director  
Division of Reactor Oversight  
Office of Nuclear Reactor Regulation

A handwritten signature in black ink, appearing to read "Chris Regan".

Signed by Regan, Christopher M.  
on 11/19/21

SUBJECT: APPROVAL OF THE CHARTER FOR FOLLOW-ON REVIEW  
OF THE LESSONS-LEARNED, BEST PRACTICES, AND  
CHALLENGES DURING THE COVID-19 PUBLIC HEALTH  
EMERGENCY

This memorandum approves the team charter for the working group tasked with conducting a review of the lessons-learned, best practices, and challenges identified with all relevant stakeholders during the COVID-19 Public Health Emergency (PHE). This will be a follow-on review to the "Initial Report on Challenges, Lessons Learned and Best Practices from the 2020 COVID-19 Public Health Emergency - Focus on Regulatory Oversight of Operating Nuclear Reactors (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20308A389). This multi-disciplinary internal team, with representation from all four regions and headquarters staff, will identify lessons learned from performing oversight during the PHE including best practices established with licensees and other stakeholders that could be beneficial for routine use and for future events that limit or prevent access to nuclear plant sites. While many inspection activities were successfully completed remotely during the PHE, the long-term recommendations provided by the team should account for the value of professional relationships, visible NRC inspector on-site presence, and informal discussions or observations that often result in identifying issues at the site. The team's review should include, but not be limited to, evaluating the three key areas identified during the initial review: 1) information technology (IT) capability and reliability; 2) remote inspection practices; and 3) inspection guidance enhancements.

Enclosure:  
Follow-On Review of the Lessons  
Learned, Best Practices, and Challenges  
During the COVID-19 Public Health  
Emergency Charter

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MEMORANDUM TO THOSE ON THE ATTACHED LIST DATED:  
November 19, 2022

SUBJECT: APPROVAL OF THE CHARTER FOR FOLLOW-ON REVIEW OF THE LESSONS-  
LEARNED, BEST PRACTICES, AND CHALLENGES DURING THE COVID-19  
PUBLIC HEALTH EMERGENCY DATED: NOVEMBER 19, 2021

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| Mark Franke, Division of Reactor Safety, Region II  | RidsRgn2MailCenter Resource     |
| Mark Miller, Division of Reactor Projects, Region II  | RidsRgn2MailCenter Resource     |
| Julio Lara, Division of Reactor Projects, Region III  | RidsRgn3MailCenter Resource     |
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| Kevin Williams, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Materials Safety and Safeguards |                                 |

SUBJECT: APPROVAL OF THE CHARTER FOR FOLLOW-ON REVIEW OF THE LESSONS-LEARNED, BEST PRACTICES, AND CHALLENGES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY DATED: NOVEMBER 19, 2021

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|               |              |                |            |
|---------------|--------------|----------------|------------|
| <b>OFFICE</b> | NRR/DRO/IRIB | NRR/DRO        | NRR/DRO    |
| <b>NAME</b>   | THipschman   | KMorgan-Butler | CRegan     |
| <b>DATE</b>   | 11/18/2021   | 11/19/2021     | 11/19/2021 |

**OFFICIAL RECORD**

**Charter for the Follow-On Review of the Lessons-Learned,  
Best Practices, and Challenges During the COVID-19 Public Health Emergency  
November 19, 2021**

**I. Purpose**

The purposes of this charter are to: (1) define a clear problem statement on the need to perform additional efforts to capture lessons learned and best practices on the oversight of power reactors during the COVID-19 public health emergency (PHE); (2) define a scope, objectives and proposed actions to be performed by both involved internal and external stakeholders in support of this effort; (3) outline a process to evaluate lessons learned and best practices for possible revisions/enhancements to the Reactor Oversight Process (ROP) and associated work practices and procedures for future emergencies and non-emergency conditions; (4) outline a process to evaluate the establishment of a Memoranda of Understanding (or similar tool) between licensees and NRC with agreed upon standards and expectations intended to ensure reliable and continued remote access by NRC on licensee plant systems and operational programs through Information Technology (IT) tools and systems. At the conclusion of the effort, the team will issue a memorandum documenting the recommendations related to NRC's lessons-learned, best practices, and challenges during the COVID-19 PHE.

**II. Background**

The staff completed an initial review of the impacts to the ROP due to the COVID-19 PHE in late calendar year 2020 and documented the results in a report, "Initial Report on Challenges, Lessons Learned and Best Practices from the 2020 COVID-19 PHE; Focus on Regulatory Oversight of Operating Nuclear Reactors," dated January 2021 (ADAMS Accession No. ML20308A389). A 17-member NRC team was established to identify lessons-learned and best practices and to make recommendations to improve NRC readiness for future emergencies and non-emergency conditions. These recommendations were focused on three main areas including: 1) information technology (IT) capability and reliability; 2) remote inspection practices; and 3) inspection guidance enhancements.

This initial review was internally focused and although some recommended actions are still open, the agency recognized that as the COVID-19 PHE progressed, a follow-on review would be needed and should include licensees and other stakeholders.

**III. Problem Statement**

The COVID-19 PHE resulted in the need to consider numerous issues (e.g., IT needs, communications, inspection guidance and inspector work practices) for possible future situations where plant site access is limited impacting regulatory oversight of power reactors. Since the initial COVID-19 PHE lessons learned was conducted 6 months into the COVID-19 PHE, the agency has accumulated over a year of additional experience. As a continually learning organization, it is important for the agency to fully explore the impact of the practices utilized during the COVID-19 PHE on the ROP in order to make informed decisions regarding what long-term improvements can be made to the ROP for both future emergencies and non-emergency conditions. The initial lessons-learned effort was primarily based on the results of an internal staff survey. The follow-on effort should be informed by broader stakeholder interactions with staff, industry, and members of the public and the results of the previous assessments. The value of having NRC inspectors on site to conduct inspections is not in question, but there are potential opportunities for inspection modernization that this effort should fully explore.

#### **IV. Objectives**

This multi-disciplinary team, with representation from all four regions and headquarters staff, will identify additional lessons learned and best practices established with licensees and other stakeholders during the COVID-19 PHE that could be beneficial for routine use and for future events that limit or prevent access to nuclear power plant sites. The team should develop a shared understanding of what practices worked, and how they were effective and successful in achieving reasonable assurance of safe plant operations. In particular, the group will evaluate, using objective data where reasonably possible, the short and longer implications of the practices used conducting inspections during the COVID-19 PHE (effectiveness and efficiency) and its impact on the Agency's ability to provide reasonable assurance of adequate protection for nuclear safety.

#### **V. Proposed Actions**

Establish a team comprised of members from NRR's Divisions of Reactor Oversight and Risk Assessment, the Office of Nuclear Security and Incident Response, and the four regional offices. In addition, the team will also include a working group member from the Office of Nuclear Materials Safety and Safeguards (NMSS). This working group member will serve as a liaison to the NMSS COVID-19 PHE Phase B working group to allow for sharing of key information and lessons-learned between the ongoing COVID-19 PHE efforts in the reactor and materials programs. The working group should interact with industry representatives and other stakeholders during a series of public meetings. Working group members reviewing reactor safety and security practices shall have regional inspection and resident inspector experience during the COVID-19 PHE. Regional members will be expected to brief regional management and staff throughout the review and provide regional feedback to the group for consideration throughout the course of the effort. Additionally, team members will participate in public meetings.

The Director, Division of Reactor Oversight (DRO) will assign an Executive sponsor for these follow-on lessons learned review who will provide oversight, guidance, and assistance with change management and resolving differing views, as requested by the review team. The Executive sponsor will also ensure that NRC management is kept abreast of the working group's progress, challenges, and recommendations to help ensure a successful outcome.

Considering the experience gained by inspectors in completing the baseline inspection program during the COVID-19 PHE, and to ensure more consistent implementation of inspection activities at operating nuclear power plants, the working group will evaluate lessons learned and best practices developed from the inspection experiences of our licensees and interactions with other stakeholders. The team will also evaluate the practices licensees used during the COVID-19 PHE to provide information and data regarding plant status, meetings and corrective actions. This will assist in helping the team determine whether those practices should be utilized in the future or enhanced with site-specific memorandums. The team will also make recommendations for potential revisions and enhancements to the ROP and/or supporting guidance, procedures, and interactions with stakeholders.

#### **VI. Scope**

The overall review shall encompass a larger set of lessons learned as COVID-19 has continued and capture the appropriate data to help us better understand the COVID-19 PHE impacts on NRC's oversight program. It should include the following items:

- Engagement with internal and external stakeholders (NEI, Entergy, NextEra, UCS, international organizations (IAEA, NEA, etc.). The charter defines the problem statement, scope and objectives, roles and responsibilities and intended outcomes regarding what we have learned from performing oversight of power reactors during the COVID-19 PHE. External engagement is essential to consider a broader and more diverse set of lessons learned.
- Evaluation of what long-term improvements should be made to the ROP.
- Assessment of the various improvements of licensees sharing important safety information remotely with the NRC, an evaluation of the benefits of continuing this information sharing and the risks of losing this level of improved information sharing. Develop, if warranted, a standard set of expectations to be considered when revising already established NRC-Licensee Information Memoranda of Understanding, such as what is used for the resident offices.
- Evaluation of the three key areas identified during the initial review: 1) information technology (IT) capability and reliability, 2) remote inspection practices, and 3) inspection guidance enhancements.
- Evaluation of the use of hybrid inspections (partially remote, partially on-site) for routine and emergent use.
- Evaluation of OIG Audit Report 21-A-13, "Audit of the NRC's Pandemic Oversight of Nuclear Power Plants" and provide options to address the recommendation.

In addition, the following questions may be considered during the course of the review:

- As a result of the COVID-19 PHE, how did the agency and licensees adopt new or innovative technology (e.g., increased remote oversight, improved access to licensee information, use of cameras, etc.)?
- How well was the health and safety of inspectors and licensee staff, such as control room operators, considered and protected during the planning of inspections as well as when performing onsite inspection activities? What criteria was used to assess whether the inspection could be deferred, modified, or canceled?
- What is the long-term impact of the COVID-19 PHE on licensees (e.g., long term impact of reduced staffing on site, deferred maintenance, impact of not undertaking emergency and security training, etc.)?
- What impact would the continued use of the practices established during the COVID-19 PHE have on the long-term effectiveness and efficiency of the ROP?
- How was the training and qualification of the inspection staff affected by the COVID-19 PHE?

Once the review is complete and recommendations are developed, the review team will present the results and recommendations to NRR, NSIR, NMSS, DRO and regional management, and to external stakeholders during public meetings. Following the presentation(s), the review team will issue a memorandum documenting the results of the review and any recommendations. Any proposed enhancements will reflect the value the NRC places on having NRC inspectors on site to conduct inspections.

Upon issuance of the memorandum, the working group will be disbanded.

## VI. Methods

To be developed by team leader working with team members and the Executive sponsor.

## VII. Projected Timeline

| Activity   | Month   | Participants  |
|--|---|---|
| Internal alignment on draft charter  | September   | NRR/DRO, NRR/DRA, Regional Directors, NMSS, NRR OD and DOD, Regional Administrators |
| Provide opportunity for external alignment on draft charter  | October   | NRR/DRO   |
| Identify working group members   | October/November                                      | NRR/DRO, Executive Sponsor  |
| Issue charter and commence review  | November  | NRR/DRO   |
| Initial leadership briefing with NRR OD and Regional Administrators (RAs)                                  | December  | Executive Sponsor and Working Group Co-Leads  |
| Communicate with baseline IP leads, regional staff, RIs, and DRO staff as necessary to complete the review | Monthly   | Working Group members   |
| Public meetings to engage with industry and other stakeholders   | September to May 2022                                 | Executive Sponsor, Working Group members, NRR/DRO management                        |
| Progress reviews with NRR OD and RAs   | Bi-Monthly (November 2021, February 2022, April 2022) | DRO management, Executive Sponsor, Working Group members                            |
| Commission Assistants briefing   | As Needed   | TBD   |
| Complete review and develop recommendations  | April 2022  | Working Group   |
| Present results and recommendations to NRR, NSIR, NMSS, DRO, regional management, industry,                | May 2022  | Working Group   |

|   |             |  |
|---|-------------|--|
| and other stakeholders address feedback   |             |  |
| Document conclusions and recommendations in memo to DRO Director. Upon issuance of the memo, the working group will be disbanded. | August 2022 | Executive Sponsor, Working Group, DRO Director |

### **VIII. Team Membership**

- Executive Sponsor – Mark Franke, RII
- Co-Team Leaders – Gene Guthrie, RII; Jeff Bream, DRO
- NRR/DRO – Tom Hipschman (Advisor); Project Coordinator (Eric Duncan, DRO; Valerie Gray, NRAN, DRO)
- NRR/DRA – Lundy Pressley
- Region I – Justin Hawkins; Don Jackson
- Region II – Matt Endress
- Region III – Paul LaFlamme
- Region IV – Greg Kolcum, Shiattin Makor
- NSIR – Jared Justice (Physical Security); Don Johnson (Emergency Preparedness); Mario Fernandez (Cyber Security)
- NMSS – Leira Cuadrado (Liaison to Materials Phase B Effort)

Consult with appropriate IP leads, regional and resident inspectors, and industry representatives. It is estimated that the staff's level of effort will be approximately 5-7 hours per week.

### **IX. Meetings**

Team meetings will be scheduled bi-weekly during the review period. Public meetings will be held in accordance with agency guidance meetings. Meeting schedules will be adjusted as necessary.

### **X. Time Reporting**

All activities will be documented in HRMS using CAC A11018 or other office specific CACs for ROP program development (DPR - A11015; DPCP/DSO - A11020).