



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

April 9, 2020

Dr. Jennifer L. Uhle  
Vice President, Generation & Suppliers  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC 20004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION PLANNED ACTIONS RELATED TO THE REQUIREMENTS FOR ASME CODE INSERVICE INSPECTION REPORTING DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY

Dear Dr. Uhle:

As you know, on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the Coronavirus Disease 2019 (COVID-19). On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. On March 19, 2020, the U.S. Department of Homeland Security issued "Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response," which identified workers needed for safe and secure operations at nuclear generation facilities as essential critical infrastructure workforce.

In keeping with the U.S. Nuclear Regulatory Commission (NRC)'s Principles of Good Regulation (independence, openness, efficiency, clarity, and reliability) while performing our mission, this letter provides information regarding the NRC staff's planned actions related to Title 10 of the *Code of Federal Regulations* (CFR) 50.55a requirements for the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section XI related activities during the COVID-19 PHE. These actions are applicable to operating power reactors licensed under 10 CFR Part 50.

10 CFR 50.55a, "Codes and Standards," contains requirements for the use of certain codes and standards for the design, construction and inservice inspection of nuclear power plants. As provided in 10 CFR 50.55a(z), "Alternatives to codes and standards requirements," alternatives to the requirements of 10 CFR 50.55a for paragraphs (b) through (g) may be authorized by the NRC staff, if (1) the proposed alternatives would provide an acceptable level of quality and safety or (2) compliance with the specified requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety. Consistent with this regulation and subject to the terms and conditions outlined in this letter and its attachment, licensees may submit to the NRC for approval, alternatives from certain reporting requirements under 10 CFR 50.55a(b)(2)(xxii). Requests that meet the criteria outlined in this letter and its attachment will receive an expedited review by the NRC staff.

The requirements in 10 CFR 50.55a(b)(2)(xxxii), "Section XI condition: Summary report submittal," states, in part, that inservice inspection summary reports shall be submitted to the NRC within 90 calendar days of the completion of each refueling outage. IWA-6230 of ASME Code, Section XI, which is incorporated by reference in 10 CFR 50.55a, requires licensees to complete Form Owner's Activity Report (OAR-1), within 90 days after the conclusion of a refueling outage, per Mandatory Appendix II. The report provides a summary of items with flaws or relevant conditions that required evaluation for continued service, and repair and replacement activities required for continued service that occurred during the refueling outage.

The NRC staff can approve a deferral of the 10 CFR 50.55a(b)(2)(xxxii) submission of OAR-1 where the licensee demonstrates a hardship without a compensating increase in the level of quality and safety as an alternative under 10 CFR 50.55a(z)(2). To receive expedited review of a request for such a deferral, the licensee may submit a request for an alternative under 10 CFR 50.55a(z)(2), and should include:

- A brief description of the hardship;
- the original due date of the OAR-1 report;
- a proposed alternative submission date for the OAR-1 report; and
- a statement that the licensee has established procedures to retain records of its completed inspection activities that are easily accessible for NRC inspection.

The NRC staff will consider these requests and will provide a written or verbal decision on an alternative. The NRC staff will consider granting deferrals of Form OAR-1 for up to 90 days after the PHE is ended but in no case later than the beginning of the subsequent refueling outage. Licensees requesting alternatives for multiple units may submit the requests under one cover letter, but all relevant plant-specific information (e.g., the Code of Record for the plant's current inspection interval, etc.) must be addressed and the NRC staff's decision will be made on each individual plant's docket.

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While this letter specifically addresses reporting requirements, facility licensees may identify other issues that need to be addressed. To the extent possible, licensees should consider the information in Regulatory Issue Summary 2010-04, "Monitoring the Status of Regulated Activities During a Pandemic," to address these issues. Any other relief requests will be processed using the NRC's normal process and not under the expedited process discussed in this letter.

This letter contains guidance for implementing the voluntary information collections related to requesting alternatives from requirements contained in 10 CFR Part 50 that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collections were approved by the Office of Management and Budget under control number 3150-0011. Comments regarding these information collections should be sent to the Information Services Branch (T6-A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by email to [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0011), Office of Management and Budget (OMB), Washington, DC 20503.

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If you have any further questions about this matter, please contact your facility's NRC project manager.

Sincerely,

***/RA/***

Ho K. Nieh, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
Basis for Deferral

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION PLANNED ACTIONS RELATED  
TO THE REQUIREMENTS FOR ASME CODE INSERVICE INSPECTION  
REPORTING DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH  
EMERGENCY DATED APRIL 9, 2020

Identical letters sent to:

Dr. Jennifer L. Uhle  
Vice President, Generation & Suppliers  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC 20004

Mr. Chris Bakken  
Executive Vice President  
Nuclear Operations & Chief Nuclear Officer  
Entergy Nuclear  
1340 Echelon Parkway  
Jackson, MS 39213

Mr. Don Moul  
Executive Vice President, Nuclear  
Division and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
15430 Endeavor Drive  
Jupiter, FL 33478

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**ADAMS Accession No. ML20098D975**

**\*via e-mail**

OFFICE	NRR/DNRL/SL*	NRR/DNRL/D*	NRR/DORL/D*
NAME	DRudland	ABradford	CErlanger
DATE	4/8/2020	4/7/2020	4/7/2020
OFFICE	OGC - NLO*	NRR/D*	
NAME	SClark	HNieh	
DATE	4/8/2020	4/9/2020	

**OFFICIAL RECORD COPY**

**Title 10 of the *Code of Federal Regulations (CFR)* Part 50.55a requirements from which licensee can be approved for deferral:**

**Owner's Activity Reports**

**Description:** As an alternative under 10 CFR 50.55a(z)(2), the U.S. Nuclear Regulatory Commission (NRC) staff can approve a deferral of the 10 CFR 50.55a(b)(2)(xxxii) submission of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code , Section XI required Owner's Activity Report (OAR-1) where the licensee demonstrates a hardship without a compensating increase in the level of quality and safety.

**Purpose:** This alternative provides increased scheduling flexibility to manage conditions resulting from the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) by providing an expedited process for the NRC staff to review requests from licensees to delay the 90-calendar day submission requirement in 10 CFR 50.55a(b)(2)(xxxii).

**Basis:** 10 CFR 50.55a governs the use of codes and standards, including the ASME Boiler and Pressure Vessel Code, which is incorporated by reference. IWA-6230 of ASME Code, Section XI, which is incorporated by reference in 10 CFR 50.55a, requires licensees to prepare Form OAR-1 within 90 days after the conclusion of a refueling outage, pursuant to ASME Mandatory Appendix II. Under 10 CFR 50.55a(b)(2)(xxxii), licensees are required to submit this report to the NRC in the same 90-calendar-day period. This report contains a summary of items with flaws or relevant conditions that required evaluation for continued service, and repair and replacement activities required for continued service that occurred during the refueling outage. Note that any of these conditions, whether safety related or not, are reported and mitigated in the outage through the plant's corrective action program; and records are available for review by NRC inspectors under NRC inspection procedures. Retaining the data needed to generate the OAR-1 Report onsite and available for NRC inspection adds additional assurance that any delay in submitting the report would not impact safety.

The NRC staff will consider these requests using an expedited process if sufficient justification, consistent with the criteria listed in the letter, is provided. The NRC staff will consider granting alternatives for the deferral of the OAR-1 discussed in this letter for up to 90 days after the PHE is ended, but in no case later than the beginning of the subsequent refueling outage. If a verbal approval is given, the NRC staff will follow up with a written justification, consistent with its guidance in LIC-102, Rev. 3, "Review of Relief Requests, Proposed Alternatives, and Requests to Use Later Code Editions and Addenda." NRC inspectors are available to periodically review any issues concerning ASME Code, Section XI activities.



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Mr. Chris Bakken  
Executive Vice President  
Nuclear Operations & Chief Nuclear Officer  
Entergy Nuclear  
1340 Echelon Parkway  
Jackson, MS 39213

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Office of Nuclear Reactor Regulation

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April 9, 2020

Mr. Don Moul  
Executive Vice President, Nuclear  
Division and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
15430 Endeavor Drive  
Jupiter, FL 33478

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION PLANNED ACTIONS RELATED TO THE REQUIREMENTS FOR ASME CODE INSERVICE INSPECTION REPORTING DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY

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