

Please stand by
The Meeting on Regulatory Relief
for NRC Part 30 & 34 Licensees
will begin shortly

**Please ensure you have called into the bridge
line, it's the only audio for today's meeting:**

Bridge Line: 888-965-9717

Pass Code: 8276943

Regulatory Relief Pathways for NRC Part 30 & 34 Licensees During the COVID-19 Public Health Emergency

April 23, 2020

Division of Materials Safety, Security, State, and Tribal Programs,
Office of Nuclear Material Safety and Safeguards
Division of Nuclear Materials Safety
NRC Region I

Welcome, Purpose & Agenda

Mike Layton, Director

Division of Materials Safety, Security, State, and Tribal Programs

Purpose of Today's Meeting

- Discuss available regulatory relief pathways for 10 CFR Part 30 & 34 licensees during the COVID-19 public health emergency
- Discuss the process by which to submit requests for regulatory relief
- Hear from licensees on the types of regulatory relief they expect they might need

Agenda

Time	Topic	Speaker
1:00 p.m.	Introduction	Mike Layton, Director Division of Materials Safety, Security, State, and Tribal Programs
1:05 p.m.	Meeting Logistics	Lance Rakovan, Facilitator
1:10 p.m.	Regulatory Relief Pathways	David Alley, Chief Materials Safety and Tribal Liaison Branch
1:20 p.m.	General Overview of Exemption Requests	Randy Ragland, Senior Health Physicist Division of Nuclear Materials Safety, NRC Region I
1:30 p.m.	<i>Comments from Participants</i>	
2:25 p.m.	Meeting Recap and Adjourn	David Alley

Meeting Logistics

- Meeting audio is through the bridge line only
(Bridge Line: 888-965-9717 Pass Code: 8276943)
- Participants are in listen-only mode until the public comment portion of the meeting
- Meeting materials include slides (ML20114E015), April 7 licensee letter (ML20094G166), and temporary exemptions tables (ML20108E943 & ML20108E944)
- During the public comment portion of meeting, comment by phone or by submitting a message via WebEx Chat

Regulatory Relief Pathways

David Alley, Chief
Materials Safety and Tribal Liaison Branch

Materials Licensee Letter – April 7, 2020

- This letter outlines the regulatory options for materials licensees to seek regulatory relief that may be necessary during the COVID-19 public health emergency.
 - Exemptions to regulations and amendments for license conditions and tie downs
 - Potential for NRC to issue enforcement discretion
 - Emergency regulatory relief
 - Accessible at ADAMS Accession No. ML20094G166

Temporary Exemption

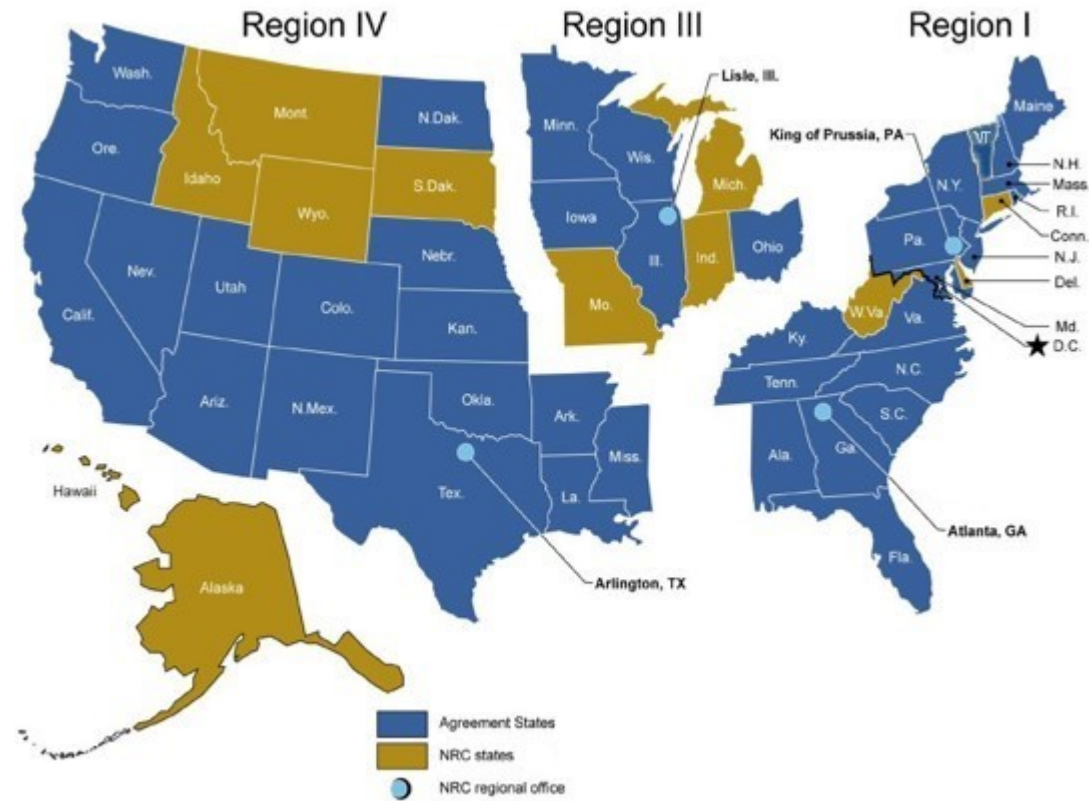
- Exemptions are expected to be temporary.
- The expiration date of the exemption and/or any extension of deadlines to comply with regulatory requirements will be specified.
- Should additional time beyond the exemption be needed, the NRC would consider an exemption based on a subsequent request that updates all the information in the initial request.

NRC Preparation for Anticipated Relief Requests

- Created a template to allow NRC regions to quickly process anticipated exemption requests
- Developed guidelines for regional reviewers to quickly process anticipated requests
- Unanticipated requests will be evaluated but may take more time to process

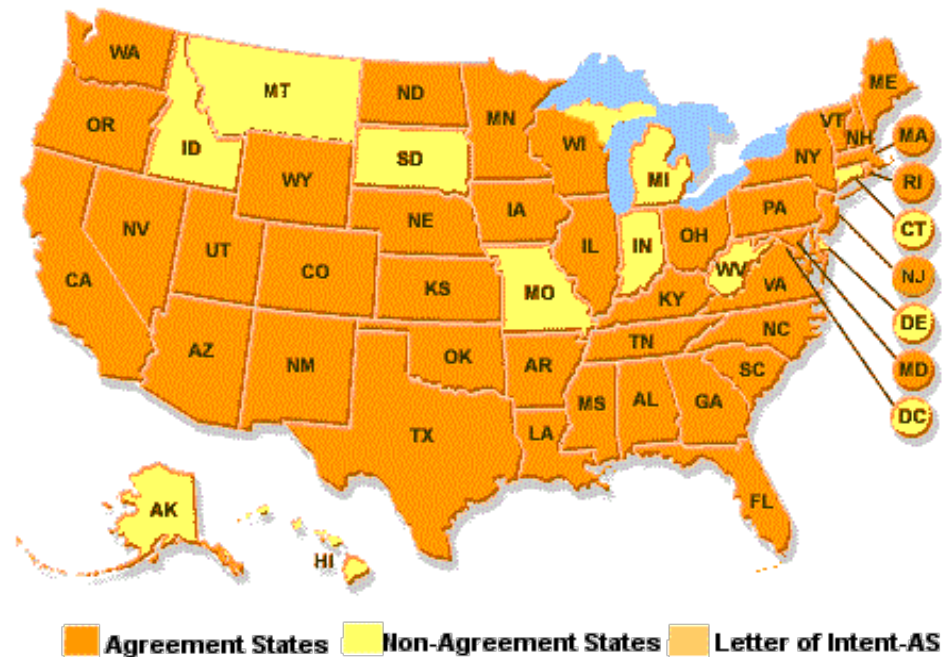
Points of Contact for Regulatory Relief

- Region I
James Trapp, Director
James.Trapp@nrc.gov
- Region III
David Pelton, Director
David.Pelton@nrc.gov
- Region IV
Mary Muessle, Director
Mary.Muessle@nrc.gov



Agreement State Licensees

- See the Organization of Agreement States (OAS) Web site for links to Agreement State COVID-19 responses:



<https://www.agreementstates.org/covid-19-response.html>

Exemption Request Overview

Randy Ragland, Senior Health Physicist
Division of Nuclear Materials Safety, NRC Region I

What to Include in COVID-19 Exemption Request

- Request to seek regulatory relief that may be necessary during the COVID-19 public health emergency
- Describe which areas and activities are shut down or have limited access and which are fully operational
- Describe required activities that cannot be met during the shut-down:
 - Regulations
 - License conditions
 - License commitments
- Compensatory measures to ensure that licensed material is being stored and used safely
- Expected length of time that you will be shut down or have access restrictions in place

NRC Experience With Exemption Requests

- Licensees requested relief from daily, weekly, monthly, quarterly, semi-annual, and annual commitments for the Radiation Safety Program:
 - Area Surveys
 - Source inventories
 - Source leak tests
 - Instrument calibration
 - Dosimetry exchanges
 - Routine door lock checks
 - Environmental air sampling
 - Research protocol renewals
 - Vendor Activities (e.g., source exchange, PMs)

NRC Experience With Exemption Requests - Continued

- 10 CFR 20.1906(c): Package Receipt Timeliness
- 10 CFR 20.1101(c): Annual Reviews

April 17, 2020: NRC Issued Exemption Template to Staff for 10 CFR Parts 30 & 34

- 10 CFR Part 30
 - Physical inventory
 - Leak testing
 - Dosimetry exchanges
 - Refresher training
 - Radiation safety committee
 - Annual program reviews

April 17, 2020: NRC Issued Exemption Template to Staff for 10 CFR Parts 30 & 34

- 10 CFR Part 34
 - 34.25(b)(1): Instrument calibration (6 month)
 - 34.27(c)(1): Leak testing (6 month)
 - 34.27(e): DU leak testing (12 month)
 - 34.29(a): Inventory (quarterly)
 - 34.43(d): Refresher training (12 month)
 - 34.43(3)(1): Performance assessment (6 month)

March 31, 2020 Exemption for ASNT Recertifications

- 10 CFR 34, Appendix A, Section II.5:
 - Provide a certification period of not less than 3 years nor more than 5 years;
- Relief provided for certifications due to expire March 31 – September 30, 2020;
 - ASNT may grant two extensions up to 90 days each, as needed during the COVID-19 emergency (ML20090C666)

NRC Experience With Exemption Requests

- Some delays occurred due to a lack of specific information
 - Regulation
 - License condition
 - License or docket number
 - Full scope of relief needed
- Some requests did not need relief, but it was later determined that they did not need certain relief

NRC Experience With Exemption Requests

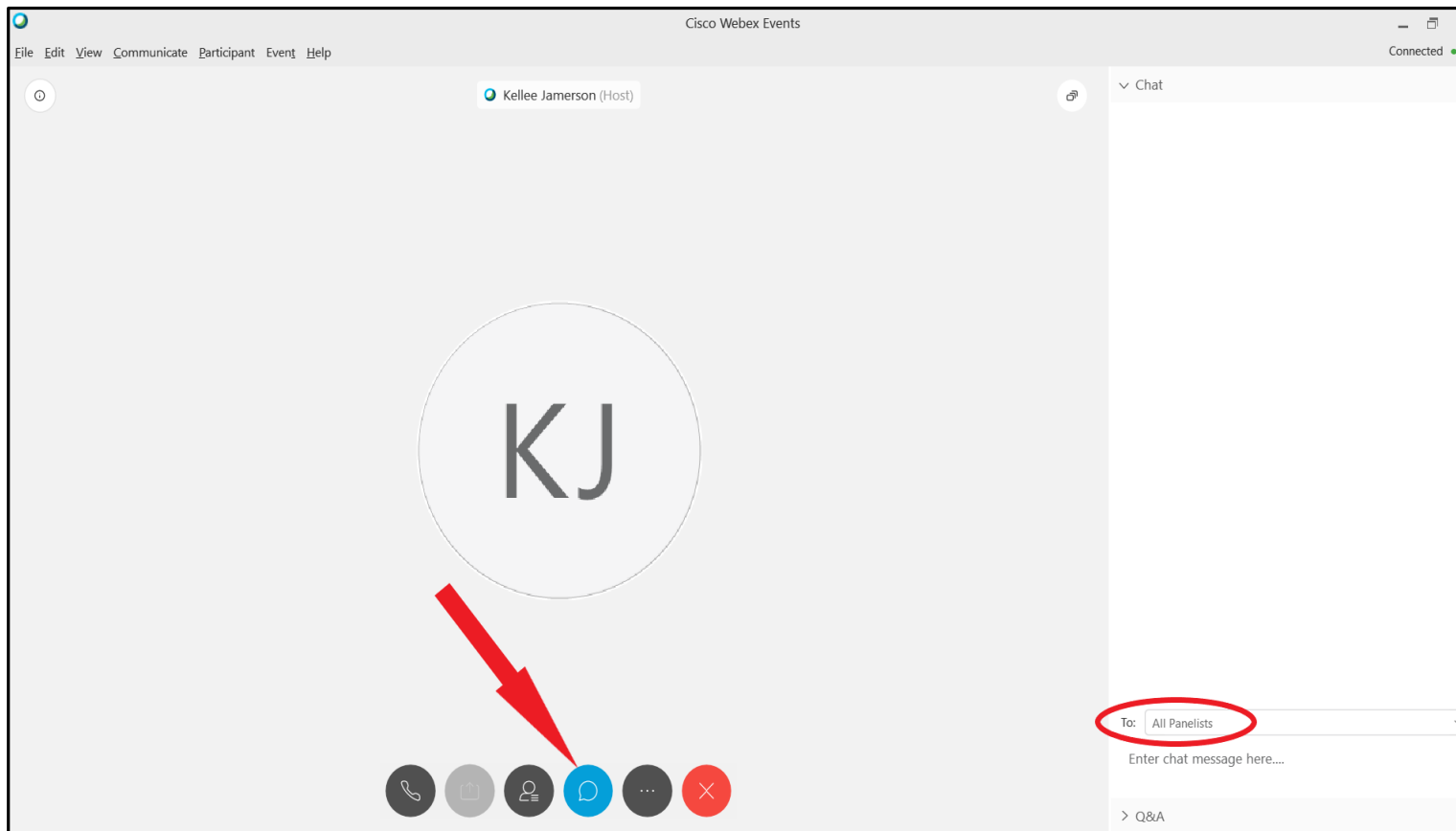
- Some requests did not need relief
 - Dosimetry change-outs for programs with the maximum dose <10% of occupational dose limits (i.e., <500 mrem)
 - Most applications allow for a prospective evaluation rather than requiring the use of dosimetry
 - Leak testing for sealed sources in storage
 - Bioassays frequencies which are not tied down by the application or license condition
 - Survey instrument calibrations for survey instruments that are not in-use

Emergency Relief Requests

- If necessary, licensees may request immediate exemptions via e-mail or phone
- Oral requests must be followed up within 24 hours with a written requests
- Directors of the regional Divisions of Nuclear Materials Safety can provide oral authorization of the requested exemptions if immediate relief is needed and they deem appropriate
- In urgent, off-hours cases, call the Headquarters Emergency Operations Center at 301-816-5100

Participant Comments

- To make a comment over the phone, press “*” then “1” and follow the prompts
- You can also submit shorter comments or questions by sending a WebEx chat message to “All Panelists”



Questions for Licensees

- What hardships related to NRC regulations are you experiencing or expect to experience in the next 3 months due to the COVID-19 emergency?
- Are there any specific NRC regulations which you do not think you will be able to meet?
- How long do you believe exemptions might be necessary?
- To inform our approach regarding inspections: Are licensees able to support routine in-person inspections? What conditions would be necessary?

In Closing...

- For questions:
 - Region I: James Trapp, Director
James.Trapp@nrc.gov
 - Region III: David Pelton, Director
David.Pelton@nrc.gov
 - Region IV: Mary Muessle, Director
Mary.Muessle@nrc.gov
- Send meeting format feedback to
Lance.Rakovan@nrc.gov