



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

May 15, 2020

MEMORANDUM TO: Michael T. Markley, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Michael Mahoney, Project Manager */RA/*
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF APRIL 30, 2020, PUBLIC MEETING WITH
NUCLEAR INDUSTRY TO DISCUSS COVID-19 REGULATORY
IMPACTS RELATED TO POTENTIAL EMERGENCY
PREPAREDNESS ENFORCEMENT GUIDANCE AND
EXEMPTION REQUESTS

On April 30, 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), NextEra, and Entergy. The purpose of the meeting was to discuss potential emergency preparedness enforcement guidance and exemption requests resulting from the COVID-19 public health emergency (PHE). The meeting notice can be found in Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20115E640.

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 will be made. Additionally, the NRC stated that none of the information provided in today's meeting should be taken to be a request by any licensee or a decision by the NRC. The meeting was split into two separate parts, with a brief break in between, first to discuss emergency preparedness enforcement guidance and second, discuss potential exemption requests related to emergency preparedness exercise biennial scheduling, resulting from the COVID-19 PHE.

After Shana Helton, Acting Deputy Director, Office of Nuclear Security and Incident Response (NSIR), made opening remarks, the meeting was turned over to NEI, Entergy, and NextEra to make opening remarks.

After opening remarks, Don Johnson, a senior emergency preparedness specialist in the Division of Preparedness and Response in NSIR, discussed potential emergency preparedness enforcement guidance. Items discussed included:

- It is expected that licensees will take reasonable actions to prepare for, and limit staff exposure, to COVID-19. Performing certain emergency preparedness activities could affect the spread of the COVID-19 virus and ultimately have a negative impact on the

licensee's ability to staff mission-critical positions necessary to successfully implement the emergency plan in an actual event at the site.

- Licensee must maintain emergency preparedness effectiveness (i.e., the licensee is maintaining a state of readiness to respond to a radiological event) in order for enforcement discretion to be considered.
- The COVID-19 PHE may cause licensees to implement temporary compensatory measures or develop contingency plans, in order to maintain an effective emergency plan, while adhering to COVID-19 PHE requirements. Enforcement discretion may be applied for these temporary adjustments to the emergency plan.
- Licensees should maintain documentation that provides a summary of compensatory measures or contingency plans and the analyses on how they would be implemented effectively during the COVID-19 PHE.
- The NRC encourages licensees to contact their NRC licensing project manager or appropriate point of contact upon identifying any potential compliance issues (with a regulation or site-specific emergency plan) resulting from the COVID-19 PHE.

During the public question and answer session of the meeting related to the potential emergency preparedness enforcement guidance, NRC staff addressed questions on the following topics:

- Would the emergency preparedness enforcement guidance be an attachment to the recently issued enforcement guidance memorandum (EGM) 20-002?
- Discuss NRC and the Federal Emergency Management Agency (FEMA) coordination regarding changes to emergency preparedness plans.

After a brief break, Don Johnson discussed potential exemption requests related to emergency preparedness biennial exercise scheduling. Items discussed included:

- Draft criteria for potential exemption requests related to emergency preparedness biennial exercise scheduling:
 - the licensee's last biennial exercise date;
 - the licensee's current biennial exercise date;
 - a statement that the licensee has made a reasonable effort to reschedule the exercise during 2020, but was unsuccessful;
 - a statement that the licensee will reschedule the conduct of the biennial exercise within 35 months from the month in which the previously evaluated exercise was conducted in 2018;
 - a statement that, if an exemption is granted to allow the licensee to conduct the 2020 biennial exercise in 2021, future biennial exercises will continue to be held in even years;
 - a statement that the licensee conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise; and
 - a statement that the rescheduled biennial exercise has been, or will be, coordinated with the applicable offsite response organizations (if offsite response organization participation is required), the applicable NRC Region, and the applicable FEMA Region.

During the public question and answer session of the meeting, related to potential exemption requests related to emergency preparedness exercise scheduling, NRC staff addressed questions on the following topics:

- Will Regulatory Issue Summary (RIS) 2006-03, "Guidance On Requesting an Exemption From Biennial Emergency Preparedness Exercise Requirements" be updated?
- How would the planned letter on potential exemption requests related to emergency preparedness exercise scheduling relate to RIS 2006-03?

No regulatory decisions were made in the meeting.

Enclosure:
List of Attendees

List of Attendees

April 30, 2020, Public Meeting with the Nuclear Industry

Potential Emergency Preparedness Enforcement Guidance and Exemption Requests

resulting from the COVID-19 PHE

Name	Organization
Shana Helton	NRC/NSIR
Don Johnson	NRC/NSIR
Bob Kahler	NRC/NSIR
Milt Murray	NRC/NSIR
Justin Poole	NRC/NRR
Ed Miller	NRC/NRR
Scott Burnell	NRC/OPA
Dan Cronin	University of Florida
Sandi Duffey	Grant County Emer. Management
David Crozier	Arizona DEMA
David Young	NEI
Steven Kraft	Kraft-Contente
Patricia Milligan	NRC/NSIR
John Costello	Energy Compliance Consultants
Thomas Poindexter	Morgan, Lewis, & Bockius
Mark Reese	Oregon DOE
John Pelchat	NRC/R-II
Sandra Silva	Pennsylvania EMA
Jamie Dismukes	Louisiana DEQ
Alonzo McSwain	FEMA
David Lafleur	Pennsylvania DEP
Brian Carberry	Excel Energy
Michael Ginn	PGE
Eric Epstein	Three Mile Island Alert

SUBJECT: SUMMARY OF APRIL 30, 2020, PUBLIC MEETING WITH NUCLEAR INDUSTRY TO DISCUSS COVID-19 REGULATORY IMPACTS RELATED TO POTENTIAL EMERGENCY PREPAREDNESS ENFORCEMENT GUIDANCE AND EXEMPTION REQUESTS DATED MAY 15, 2020

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Meeting Notice: ML20115E640**ADAMS Accession No.: ML20134J003*****via e-mail**

OFFICE	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/LA	NRR/DORL/LPL2-1/BC
NAME	MMahoney	KGoldstein	MMarkley
DATE	05/14/2020	05/14/2020	05/14/2020
OFFICE	NRR/DORL/LPL2-1/PM		
NAME	MMahoney		
DATE	05/15/2020		

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