Draft Charter
Follow-On Review of the Challenges, Lessons-Learned and
Best Practices During the COVID19 Pandemic
September 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 pandemic and associated public health emergency (the pandemic), (2) define a scope, objectives and proposed actions to be performed by both involved internal and external stakeholders, (3) outline a path to evaluate lessons learned and best practices for possible changes 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.

II.   Background

In late CY 2020, the staff completed an initial review of the impacts to the ROP due to the pandemic and documented the results in a report, "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," dated January 2021 (ADAMS Accession No. ML20308A389). A 17-member 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 pandemic progressed, a follow-on review would be needed and should include licensees and other stakeholders.

III.   Problem Statement

The pandemic has resulted in the need for numerous considerations (e.g., IT needs, communications, inspection guidance and inspector work practices) for possible future situations where plant site access is limited with the continued need for regulatory oversight of power reactors. Since the initial COVID -19 lessons learned was conducted 6 months into the pandemic, 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 pandemic 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, 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 onsite 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 working group, 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 pandemic that could be beneficial for routine use and for future events that limit or prevent access to nuclear 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 pandemic (effectiveness and efficiency) and its impact on the Agency's ability to assure nuclear safety.

V.   Proposed Actions

Establish a working group comprised of members from the NRR's Divisions of Reactor Oversight and Risk Assessment, the Office of Nuclear Security and Incident Response, and the four regional offices. 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 team members with regional inspection and resident inspector experience during the 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 SES 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 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 licenses and interactions with other stakeholders. The team will also evaluate the current practices licensees use to provide information and data regarding plant status, meetings and corrective actions in order to determine if current practices used during Covid should be used or enhanced with site specific memorandums, or should the data and information available revert to pre-Covid levels. And the team will make recommendations for potential changes to the ROP and/or supporting guidance, procedures, and interactions with stakeholders.

VI.   Scope

The review shall include the following items.

- Engage 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 public health emergency. External engagement is essential to consider a broader more diverse set of lessons learned.

- The effort should encompass a larger set of lessons learned as Covid-19 has continued capturing appropriate data to help us better understand the pandemic impacts on NRC's oversight program.

- The effort should evaluate what long-term improvements should be made to the ROP.

- This effort should include a review 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, and an effort to 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.

- 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.

- Evaluate the use of hybrid inspections (partially remote, partially on-site) for routine and emergent use.

- Evaluate OIG Audit Report 21-A-13, "Audit of the NRC's Pandemic Oversight of Nuclear Power Plants" and provide options to address the recommendation.

- The following questions may be considered during the course of the review:

  o As a result of the PHE, please describe how the agency and licensees adopted new or innovative technology (e.g., increased remote oversight, improved access to licensee information, use of cameras, etc.).

  o How well was the health and safety of inspectors and licensee staff considered and protected, such as control room operators, 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?

  o What is the long-term impact of the pandemic on licensees (e.g., long term impact of reduced staffing on-site, deferred maintenance, impact of not undertaking emergency and security training etc.)?

  o What impact would continued use of practices put in place during the pandemic have on the long-term effectiveness and efficiency of the ROP as a whole?

  o How was the training and qualification of the inspection staff affected by the pandemic?

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. Once these presentations are complete and the team has made any necessary adjustments to ensure alignment, the review team will issue a memo documenting the results of the review and any recommendations. Any proposed enhancements will reflect the value the NRC places on having NRC inspectors onsite to conduct inspections.

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

VI.   Methods

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

VII.   Projected Timeline

Activity	Month	Lead	Participants
Alignment meeting	August		NRR/DRO/NSIR/Regional management
Identify working group members	September		NRR/DRO/NSIR/Regional management
Issue charter. Commence review.	September		
Initial Leadership Brief with NRR OD and Regional Administrators (RAs)	September		
Communicate with baseline IP leads, regional staff, RIs, DRO staff as necessary to complete review.	Monthly		
Public meetings to engage with industry and other stakeholders	September to May 2022		
Progress review with NRR OD and RAs	Bi- Monthly (November 2021, February 2022, April 2022)		
Commission Assistants Briefing	As Needed		
Complete review and develop recommendations.	March 2022		
Present results and recommendations to NRR, NSIR, NMSS, DRO, Regional management, industry, and other stakeholders Address feedback.	May 2022		
Document conclusions and recommendations in memo to DRO Director. Upon	July 2022		

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VIII. Team Membership

- SES Sponsor – TBD
- Team Lead –
- NRR/DRO and DRA Members –
- Region I –
- Region II –
- Region III –
- Region IV –
- NSIR (physical security, cyber security and EP inspections) -
- NMSS

Consult with appropriate IP leads, regional and resident inspectors, and industry representatives.

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 No. A11018 or other office specific CACs used to ROP program development.