

**Please stand by,  
the Meeting on Regulatory Relief  
for NRC ISFSI Licensees  
will begin shortly.**

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

**Bridge Line: 888-970-4176**

**Pass Code: 6866127**

# ***Regulatory Relief Pathways for NRC ISFSI Licensees During the COVID-19 Public Health Emergency***

May 8, 2020

Division of Fuel Management,  
Office of Nuclear Material Safety and Safeguards  
Division of Physical and Cyber Security Policy  
Office of Nuclear Security and Incident Response

# Purpose of Today's Meeting

- Discuss available regulatory relief pathways for ISFSI licensees during the COVID-19 public health emergency
- Discuss the process by which licensees may submit requests for regulatory relief
- Hear from ISFSI licensees on the types of regulatory relief they expect they might need
- Answer questions from the public on the relief request process

**Bridge Line: 888-970-4176, Pass Code: 6866127**

# Agenda

Time	Topic	Speaker
09:00 AM	Welcome and Introduction	Andrea Kock, Director, Division of Spent Fuel Management, NMSS
09:05 AM	Meeting Logistics	Sarah Lopas, Meeting Facilitator
09:10 AM	COVID-19 Considerations for the Permanently Shut Down Plants	Mike Callahan, on behalf of DPC Bruce Montgomery, NEI
09:20 AM	Regulatory Relief Pathways	John McKirgan, Chief, Storage and Transportation Licensing Branch, NMSS
09:30 AM	Industry Comments	Sarah Lopas
09:50 AM	Public Comments	Sarah Lopas
10:00 AM	Meeting Recap and Adjourn	John McKirgan

**Bridge Line: 888-970-4176, Pass Code: 6866127**

# Meeting Logistics

- Meeting audio is through the bridge line only  
(Bridge Line: 888-970-4176, Pass Code: 6866127)
- Participants are in listen-only mode until the public comment portion of the meeting
- Slides are included as a WebEx handout and are available in ADAMS at ML20126G244
- During the public comment portion of meeting, comment by phone or by submitting a message via WebEx Chat

# ***COVID-19 Considerations for the Permanently Shut Down Plants***

Mike Callahan, Principal  
GSI

(on behalf of the Decommissioning Plant Coalition)

Bruce Montgomery, Director  
Decommission and Used Fuel  
Nuclear Energy Institute

# ***Regulatory Relief Pathways***

John McKirgan, Chief  
Storage and Transportation Licensing Branch

# Licensee Letter – April 7, 2020

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



# Temporary Exemption

- Exemptions are expected to be temporary and will have an expiration date
- Licensees are expected to be in compliance with regulations or commitments from which relief was granted prior to the expiration of the exemption
- An exemption will be granted only if the NRC determines that (1) it is authorized by law, (2) will not endanger life or property or the common defense and security, and (3) is otherwise in the public interest.
- 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

# Emergency Relief Requests

- If necessary, licensees may request immediate exemptions via email or phone
- Verbal requests must be followed up, within 24 hours, by a written request
- **24-hour Emergency Number  
301-816-5100**

# NRC Preparation for Anticipated Relief Requests

- Online relief request submission form:  
<https://www.nrc.gov/about-nrc/covid-19/materials/materials-relief-req-form.html>
- NRC staff is prepared to quickly process anticipated exemption requests
- Continually reviewing information received from ISFSI licensees regarding the impact of the COVID-19 public health emergency to prepare for anticipated requests
- Unanticipated requests will be evaluated but may take more time to process—encourage “Pre-Relief Request” discussion

# What to Include in COVID-19 Relief Request

- Request to seek regulatory relief that may be necessary during the COVID-19 public health emergency (PHE)
- Specific regulations, license conditions, or license commitments for which licensee is seeking temporary relief (includes specific citation section numbers)
- Summary of actions taken to prevent the use of an exemption, if applicable
- Description of activities that will not be carried out due to COVID-19 PHE and an explanation as to why COVID-19 PHE has prevented the ability to carry out these activities

# What to Include in COVID-19 Relief Request (con't)

- Compensatory measures or contingency plan that the licensee is taking during the time of non-compliance
- The date and time when the licensee will be in non-compliance with the regulatory requirements from which the licensee is requesting a temporary exemption
- A schedule for returning to compliance
- Commitment to track and document when non-compliance would start, as applicable
- If Categorical Exclusion from environmental review applies, an explanation as to why request satisfies the criteria

# Guidance Under Development

## Security Personnel Training & Requalification

- Enforcement Guidance Memorandum (EGM)-20-002 provides guidance to NRC inspection staff on disposition of violations during the COVID-19 PHE (ML20083K794)
  - Attachment 1 focuses on security personnel training and requalification outlined in Part 73, Appendix B, Section VI (ML20091L385)
- Developing another attachment to EGM-20-002 to address security personnel training and requalification requirements outlined in Part 73, Appendix B, Sections I through V
  - Related to certain annual requalification requirements that may not be completed due to COVID-19 public health emergency

# ***ISFSI Industry Feedback & Comments***

# Public Comments

- To make a comment over the phone, press “\*” then “1” and follow the prompts
- You can also submit shorter comments or questions using the “Chat” function on WebEx



# Meeting Recap

- We are prepared for anticipated emergency regulatory relief
- For additional questions, email [ISFSI-COVID.Resource@nrc.gov](mailto:ISFSI-COVID.Resource@nrc.gov)
- Complete a public meeting feedback form at the public meeting notice for today's meeting