



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

April 22, 2020

ALL AGREEMENT STATES

INFORMATION AND SEMINAR REGARDING TEMPORARY EXEMPTIONS FROM CERTAIN  
U.S. NUCLEAR REGULATORY COMMISSION MATERIALS LICENSEES SUBJECT TO 10  
CFR PARTS 30 AND 34 REGULATIONS DURING THE COVID-19 PUBLIC HEALTH  
EMERGENCY (STC-20-033)

**Purpose:** To provide information about: 1) the U.S. Nuclear Regulatory Commission's (NRC) consideration of temporary exemptions for materials licensees subject to Title 10 Code of *Federal Regulations* (10 CFR) Parts 30 and 34; and 2) an April 23, 2020, seminar to discuss how NRC licensees can request temporary regulatory relief during the COVID-19 public health emergency through submission of certain exemption requests.

**Background:** On April 7, 2020, the NRC issued a letter (ADAMS Accession No. ML20094G166) to all materials licensees providing information about regulatory options for obtaining relief from NRC requirements during the Coronavirus Disease 2019 Public Health Emergency (PHE). As a follow-up to this information, the NRC intends to hold a public meeting on April 23, and provide exemption information to materials licensees, as noted in this letter.

**Discussion:** This correspondence provides the temporary exemption template letter being used by the NRC staff to grant exemptions for its 10 CFR Part 30 and 34 licensees. Also included are two spreadsheets with specific temporary exemptions that the NRC staff has evaluated and determined would be appropriate given the current PHE caused by the COVID-19 pandemic, if a licensee's circumstances warrant. These spreadsheets provide standardized language to maintain consistency that regulators may use. Please note that materials licensees need to provide a basis as to why they need these exemptions prior to the regulator granting them. The NRC will consider these requests for relief on a case-by-case basis. The spreadsheets include examples of safety bases that would be deemed acceptable. The regulations in the spreadsheets are the only ones the staff have evaluated at this time. Please note these spreadsheets will likely be updated with more regulations. The NRC staff will post updates to the spreadsheets with the "Questions and Answers Regarding the COVID-19 Pandemic" in the password protected Materials Security Toolbox.

The seminar will take place on April 23, 2020 at 1:00 p.m. – 2:30 p.m. EDT. The public meeting notice on the NRC website (<https://www.nrc.gov/pmns/mtg?do=details&Code=20200419>) includes the latest agenda for the meeting and information to register and participate in the seminar. The NRC staff would like to hear from radioactive material licensees regarding the types of exemptions they may need during the ongoing public health emergency.

If you have any questions with respect to this correspondence, please contact me at [David.Alley@nrc.gov](mailto:David.Alley@nrc.gov), or the individuals named below:

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Leira Y. Cuadrado-  
Caraballo

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David W. Alley, Chief  
Materials Safety and Tribal Liaison Branch  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Template for Temporary Exemptions  
for Materials Licensees Due to  
the COVID-19 Pandemic.
2. Temporary Exemptions  
for Materials Licensees Subject to  
10 CFR Part 30 Regulation  
Due to the COVID-19 Pandemic.
3. Temporary Exemptions  
for Materials Licensees Subject to  
10 CFR Part 34 Regulation  
Due to the COVID-19 Pandemic.

SUBJECT: INFORMATION AND SEMINAR REGARDING TEMPORARY EXEMPTIONS  
FROM CERTAIN U.S. NUCLEAR REGULATORY COMMISSION MATERIALS  
LICENSEES SUBJECT TO 10 CFR PARTS 30 AND 34 REGULATIONS  
DURING THE COVID-19 PUBLIC HEALTH EMERGENCY (STC-20-033)

DATED: APRIL 22, 2020

**DISTRIBUTION:**

MLayton, NMSS  
KWilliams, NMSS  
SXu, NMSS  
AMcMurtray, NMSS  
LRakovan, NMSS  
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**Accession Nos.: ML20112F484 (Package)    ML20112F483 (Letter)    \* via e-mail**

OFFICE	NMSS	NMSS	NMSS	NMSS
NAME	LRakovan*	AMcMurtray*	LCuadrado*	DAiley*
DATE	04/21/2020	04/21/2020	04/22/2020	04/22/2020

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

Date, 2020

**[Licensee POC and Address]**

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY  
COMMISSION REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS*  
**[LIST SECTION(S)]**.

Dear **[Licensee POC]**:

By letter dated **[Date of Letter]** (Agencywide Documents Access and Management System [ADAMS] Accession No. **[Accession Number]**, **[licensee name]**, the licensee, requested an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) **[list specific regulation(s) and license conditions]**.

In its request, the licensee stated that due to the COVID 19 public health emergency (PHE) **[insert the licensee's description of its unique circumstances. If the licensee had to suspend licensed activities due to the PHE, then state the specifics of those circumstances here.]**.

The exemption provision in 10 CFR 30.11(a) states:

The Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of the regulations in this part and parts 31 through 36 and 39 of this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

**[Include the following paragraph if the licensee requests exemptions from license conditions.]** The license conditions from which the licensee requested exemption were imposed upon the licensee by the U.S. Nuclear Regulatory Commission (NRC) per 10 CFR 30.34(e). The regulation in 10 CFR 30.34(c) requires that the licensee confine its use of the byproduct material to the locations and purposes authorized in the license. Therefore, exemptions to the requirement in 10 CFR 30.34(c) to comply with the terms of a license may be granted pursuant to 10 CFR 30.11.

The NRC staff reviewed the request in accordance with 10 CFR 30.11(a) and finds that the criteria contained therein are met. The regulation[s] from which the licensee is requesting exemption **[is/are]** **[Input description of exemption requested from spreadsheet. Note to reviewer - may make bulleted list if there are several requests.]**

**[Include the following paragraph if the licensee requests exemptions from license conditions.]** The license conditions from which the licensee is requesting exemption **[is/are]** **[Input description of exemption request from spreadsheet. Note to reviewer – may make bulleted list if there are several requests.]**

The regulation in 10 CFR 30.11(a) authorizes granting of exemptions specific to Part **[list appropriate part, e.g., 30 or 34]**. The NRC staff has determined that the granting of the requested exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. The NRC staff, therefore, finds that the granting of the requested exemption is authorized by law.

The NRC staff has also determined that **[input appropriate safety basis/bases from table. If there is more than one request, insert each safety basis as a bulleted list. If the licensee's situation does not match that contained in the table, evaluate the acceptability of the licensee's request and adjust the safety basis accordingly.]**

The NRC also notes that, absent the requested exemption, the licensee may be required to take actions that may be contrary to guidance on preventing the spread of the virus that causes COVID-19. Therefore, the NRC staff finds that the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest.

Based on the above findings, the NRC grants the following exemption for the specified period of time:

**[include template language for each exemption to be granted]**

**[Include the following paragraph if the licensee requests additional exemptions currently not listed on the spreadsheet, more time is needed to review them, or any of the requested exemptions should be denied.]** The request for exemption from **[list specific exemptions requested that couldn't be approved in this letter]** is still under NRC review. The NRC will make a determination on that request at a later time.

An environmental assessment for this action is not required, because this action is categorically excluded under 10 CFR 51.22(c)(25)(vi)(**[insert applicable subparagraph(s)]**). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

If you have questions, please contact **[license reviewer name]** at **[license reviewer email]** or **[license reviewer phone number]**.

Sincerely,

**[Insert Name]**  
**[Insert Title]**  
**[Insert Organization]**

cc: **[licensee specific]**

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY  
COMMISSION REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS*  
(10 CFR) [LIST SECTION(S)].

DATE: April 17, 2020

**ADAMS Accession No.: ML20108E940**

**\*via e-mail**

OFFICE	NMSS/MSST	NMSS/MSST	NMSS/MSST	OGC	NMSS/MSST
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DATE	4/17/20	4/17/20	4/17/20	4/17/20	4/17/2020

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## Material Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

04/13/2020

Regulation	Description of Exemption	Safety Basis (Open)	Safety Basis (Closed)	Exemption Language
10 CFR 30.34 Terms and conditions of licenses				
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to perform a physical inventory every 6 months;	This exemption is relatively short compared to the required 6-month interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	This exemption is relatively short compared to the required 6-month interval. Additionally, the extension of inventory time does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not using these instruments.	From the date of issuance of this letter for a period of 90 days, the licensee is exempt from the requirement in license condition <b>[number]</b> to perform a physical inventory of licensed material every 6 months. Inventories shall be completed within 30 days following the expiration of this exemption.
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to perform leak testing every 6 months or at the frequency specified in the SSD;  <i>Note: The leak testing requirements specified in the SSD range from 6 months to 3 years.</i>	This exemption is relatively short compared to the required leak testing interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	This exemption is relatively short compared to the required leak testing interval. Additionally, the extension of the leak test time does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not using these sources.	From the date of issuance of this letter for a period of 90 days, the licensee is temporarily exempt from the requirement in license condition <b>[number]</b> to perform leak tests every 6 months. The licensee shall perform the required leak tests within 30 days of the expiration of this exemption.
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to perform surveys  <i>Note: for companies who are still operating, make</i>	This exemption is relatively short compared to the required survey interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety	This exemption is relatively short compared to the required survey interval. Additionally, the extension of survey time does not constitute a significant increase in risk to public health and safety, because the licensee suspended	From the date of this letter for a period of 90 days, the licensee is temporarily exempt from the survey time interval required by license condition <b>[number]</b> . The licensee shall perform the required surveys within 7 days

## Material Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

	<i>sure that this exemption is needed</i>		operations and is not using these instruments.	of the expiration of this exemption.
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to exchange dosimetry	This exemption is relatively short compared to the required dosimetry exchange interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	This exemption is relatively short compared to the required dosimetry exchange interval. Additionally, the extension of dosimetry exchange time does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not using equipment that would lead to accumulated dose.	From the date of this letter for a period of 90 days, the licensee is temporarily exempt from the dosimetry exchange requirement in license condition <b>[number]</b> . The licensee shall make the required dosimetry exchanges within 7 days of the expiration of this exemption.
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to provide radiation safety refresher training at intervals not to exceed 12 months	This exemption is relatively short compared to the required refresher training interval. The NRC notes that the licensee must continue to provide initial radiation safety training to each radiation worker. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	This exemption is relatively short compared to the required refresher training interval. Additionally, the extension of time between training does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not acting under the authority of its license.	From the date of issuance of this letter until for a period of 90 days, the licensee is temporarily exempted from the refresher training frequency requirement in license condition <b>[number]</b> . The licensee shall provide the required refresher training within 90 days of the expiration of this exemption.
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to perform instrument calibration	This exemption is relatively short compared to the required calibration interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	This exemption is relatively short compared to the required calibration interval. Additionally, the extension of time between instrument calibrations does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not using the instruments for which calibration is required.	From the date of this letter for a period of 90 days, the licensee is temporarily exempt from the calibration time interval requirement in license condition <b>[number]</b> . The licensee shall perform the required calibration within 7 days of the expiration of this exemption.



## Material Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

10 CFR 30.34	<p>The requirement in License Condition <b>[number]</b> to hold Radiation Safety Committee meetings at intervals not to exceed [X] months;</p> <p><i>Note: this exemption should only be used for licensees that have suspended licensed activities.</i></p>	<b>[Do not issue this exemption for companies that are still acting under the authority of their licenses]</b>	The extension of time between Radiation Safety Committee meetings does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not acting under the authority of its license.	From the date of issuance of this letter for a period of 90 days, the licensee is temporarily exempted from the requirement in license condition <b>[number]</b> to perform Radiation Safety Committee meetings at intervals not to exceed [X] months. The licensee shall hold the required meeting within 30 days of the expiration of this exemption.
10 CFR 30.34	The requirement in License Condition <b>[number]</b> to complete an annual program review at intervals not to exceed 12 months;	This exemption is relatively short compared to the required annual program review interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	This exemption is relatively short compared to the required annual program review interval. Additionally, the extension of time between annual program reviews does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not acting under the authority of its license.	From the date of issuance of this letter for a period of 90 days, the licensee is temporarily exempted from the requirement in license condition <b>[number]</b> to perform an annual program review at intervals not to exceed 12 months. The licensee shall perform the annual program review within 90 days of the expiration of this exemption.

## Industrial Radiography Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

4/13/2020

Reg.	Description of Exemption	Safety Basis (Operating)	Safety Basis (Closed)	Exemption Language
		Subpart C – Equipment		
<a href="#"><u>34.25(b)(1)</u></a>	The regulation from which the licensee is requesting an exemption is the requirement in 10 CFR 34.25(b)(1) that the licensee shall have each radiation survey instrument required in 10 CFR 34.25(a) calibrated at intervals not to exceed 6 months. The licensee requested to extend the required time interval for calibration by <b>[the requested extension]</b> during the emergency caused by the COVID-19 PHE.	This exemption is relatively short compared to the 6-month interval. The licensee must continue to comply with the requirement in 34.25(b)(1) to calibrate the instrument after servicing. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	The extension of calibration time does not constitute a significant increase in risk to public health and safety, because the licensee suspended operations and is not using these instruments.	From the date of the issuance of this letter, the licensee is exempt from the calibration time interval required by 10 CFR 34.25(b) for a period of 90 days. The licensee shall perform the instrumentation calibrations within 7 days of the expiration of this exemption.
<a href="#"><u>34.27(c)(1)</u></a>	The regulation from which the licensee is requesting an exemption is the requirement in 10 CFR 34.27(c)(1) that the licensee test sealed sources for leakage at intervals not to exceed 6 months. The licensee requested to extend the leak test interval required by paragraph (c)(1) of this	The extension provided by this exemption is relatively short compared to the 6-month interval. Therefore, this exemption does not constitute a significant increase in risk to public health and safety.	The extension provided by this exemption is relatively short compared to the 6-month interval. In addition, licensees must still perform leak tests if the sources exhibit signs that the source might be leaking. Additionally, the licensee has suspended operations, which reduces the movement of and exposure	From the date of the issuance of this letter, the licensee is exempt from the requirements to test sealed sources for leakage per 10 CFR 34.27(c)(1) for a period of 90 days. The licensee shall perform the leak testing of sealed sources within 30 days of the expiration of this exemption.

## Industrial Radiography Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

Reg.	Description of Exemption	Safety Basis (Operating)	Safety Basis (Closed)	Exemption Language
	section by <b>[the requested extension]</b> during the emergency caused by the COVID-19 PHE.		to sources. Therefore, this exemption does not constitute a significant increase in risk to public health and safety.	
<a href="#">34.27(e)</a>	The regulation from which the licensee is requesting an exemption is the requirement in 10 CFR 34.27(e) that the licensee test each exposure device using depleted uranium (DU) shielding and an “S” tube configuration for DU contamination at intervals not to exceed 12 months. The licensee requested to extend the DU contamination test interval required by paragraph (e) of this section by <b>[the requested extension]</b> during the emergency caused by the COVID-19 PHE.	The extension provided by this exemption is relatively short compared to the 12-month interval. Therefore, this exemption does not constitute a significant increase in risk to public health and safety.	The extension provided by this exemption is relatively short compared to the 12-month interval. Additionally, the licensee has suspended operations and is not using these devices, which are in locked storage. Therefore, this exemption does not constitute a significant increase in risk to public health and safety.	From the date of the issuance of this letter, the licensee is exempt for a period of 90 days, from the requirement in 10 CFR 34.27(e) to test each exposure device using depleted uranium (DU) shielding and an “S” tube configuration for DU contamination, at intervals not to exceed 12 months. The licensee shall perform the DU contamination testing within 7 days of the expiration of this exemption.
<a href="#">34.29(a)</a>	The regulation from which the licensee is requesting an exemption is the requirement in 10 CFR 34.29(a) that the licensee conduct a quarterly inventory to account for all sealed sources and for devices containing	The extension provided by this exemption is relatively short compared to the quarterly interval. Therefore, this exemption does not constitute a significant increase in risk to public health and safety.	The licensee has suspended operations and is not using the sources or devices containing depleted uranium, which are in locked storage. Therefore, this exemption does not constitute a significant	From the date of the issuance of this letter, the licensee is exempt from the requirements of 10 CFR 34.29(a), for a period of 30 days, for conducting a quarterly inventory of all sealed sources and devices containing depleted uranium (DU). The licensee shall perform an inventory of sealed sources and

## Industrial Radiography Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

Reg.	Description of Exemption	Safety Basis (Operating)	Safety Basis (Closed)	Exemption Language
	depleted uranium. The licensee requested to extend the quarterly inventory required by paragraph (a) of this section by <b>[the requested extension]</b> during the emergency caused by the COVID-19 PHE.		increase in risk to public health and safety.	devices containing DU within 7 days of the expiration of this exemption.
<b>Subpart D – Radiation Safety Requirements</b>				
<a href="#">34.43(d)</a>	The regulation from which the licensee is requesting an exemption is the portion of 10 CFR 34.43(d) that requires licensees to provide annual refresher safety training for each radiographer and radiographer assistant at intervals not to exceed 12 months. The purpose of this exemption would be to allow the licensee to delay this annual training for <b>[the requested extension]</b> during the emergency caused by the COVID-19 PHE.	The extension provided by this exemption is relatively short compared to the 12-month interval. The licensee must continue to provide initial radiation safety training to each radiographer and radiographer assistant. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	The extension provided by this exemption is relatively short compared to the 12-month interval. The licensee must continue to provide initial radiation safety training to each radiographer and radiographer assistant. Additionally, the licensee has suspended operations. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.	From the date of issuance of this letter, the licensee is exempt for 90 days, from the requirement in 10 CFR 34.43(d) to provide annual refresher safety training for each radiographer and radiographer assistant at intervals not to exceed 12 months. The licensee shall provide refresher safety training within 30 days of the expiration of this exemption.
<a href="#">34.43(e)</a>	The regulation from which the licensee is requesting an exemption is the portion of 10 CFR 34.43(e)(1) that requires the licensee's radiation safety officer or	The extension provided by this exemption is relatively short compared to the 6-month interval. Therefore, the exemption does not constitute	The exemption does not constitute a significant risk to public health and safety, because the licensee suspended operations.	From the date of issuance of this letter, the licensee is exempt for 90 days, from the requirement in 10 CFR 34.43(e)(1) that the licensee's radiation safety officer (RSO) or designee must observe the

## Industrial Radiography Licensee Generic Exemptions During the Emergency Caused by the COVID-19 Pandemic

Reg.	Description of Exemption	Safety Basis (Operating)	Safety Basis (Closed)	Exemption Language
	designee to observe the performance of each radiographer and radiographer assistant during actual industrial radiographic operation, at intervals not to exceed 6 months. The purpose of this exemption would be to allow the licensee to delay observation of each radiographer and radiographer assistant for <b>[the requested extension]</b> during the emergency caused by the COVID-19 PHE.	a significant increase in risk to public health and safety.		performance of each radiographer and radiographer assistant during actual industrial radiographic operation, at intervals not to exceed 6 months. The licensee shall have the RSO or a designee perform these observations within 30 days of the expiration of this exemption.