

**U.S. Nuclear Regulatory Commission
Responses to Questions in Senator Gary C. Peters'
Letter Dated July 14, 2020**

- 1. Please describe your agency's plan for reopening. Be sure to include, at minimum: (1) which employees will be asked to return to their duty stations and when; (2) whether leave and telework flexibilities will still be available to employees, for how long, and to what extent; (3) any regionalized or localized plans to account for areas that continue to see an increase in COVID-19 cases; (4) any estimates or timelines of when the agency will return all employees to normal duty stations.**

The U.S. Nuclear Regulatory Commission's (NRC) COVID-19 Re-Occupancy Plan (NRC Re-Occupancy Plan, see Enclosure 2) was informed by the President's plan for the country, "*Opening Up America Again*,"¹ and the Office of Management and Budget's (OMB) and the Office of Personnel Management's (OPM) accompanying guidance, "*Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again*"² as well as guidance from the Centers for Disease Control and Prevention (CDC). The NRC Re-Occupancy Plan details the factors to be considered for gradual, phased re-entry of the NRC workforce into NRC buildings.

The NRC Re-Occupancy Plan balances the health and welfare of the NRC workforce with continuing to fulfill the NRC's vital public health and safety mission. It reflects a phased, gradual approach to building re-occupancy, as well as the NRC's plan to maintain maximum telework flexibilities to address local issues such as closures of schools and adult and childcare facilities and the availability of public transportation. It also connects the re-occupancy phases to regional and local responses to COVID-19 conditions. The NRC Re-Occupancy Plan, therefore, has been, and will continue to be, implemented specific to each NRC location: headquarters in Rockville, MD, the four regional offices (in Pennsylvania, Georgia, Illinois, and Texas) and the Technical Training Center in Tennessee. The NRC anticipates each of these locations may operate under a different phase at any given time. The NRC Re-Occupancy Plan reflects the status of facility access and telework status in each phase, as well as other agency activities and services, such as parking, availability of food services, and considerations related to travel, meetings, and training.

The NRC Re-Occupancy Plan is a living document due to the novel and dynamic nature of COVID-19. Therefore, it is flexible and allows the NRC to move forward or backward through phases at each NRC facility, as State and local conditions warrant. The NRC Re-Occupancy Plan presumes that a limited group of NRC staff with mission-critical work that can only be performed on site remain present at NRC facilities throughout the duration of the COVID-19 public health emergency. While the NRC never completely closed its buildings to access, mandatory telework was implemented for all non-mission-critical functions in Phase 0 and early in Phase 1 of its plan. During this time, approximately 98% of the workforce teleworked. The agency ended the period of mandatory telework on July 12, 2020. The NRC Re-Occupancy Plan provides for expanded telework through Phase 2 and into Phase 3, encouraging employees to continue full-time telework, as appropriate, as the public health emergency continues.

¹ <https://www.whitehouse.gov/openingamerica/>

² <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>

During this time, supervisors and managers will balance mission needs with employee requests to continue to telework or return to their duty stations. Most of our workforce currently remains in some form of telework status. The NRC has issued written guidance to employees and regularly conducts employee briefings to communicate the telework and schedule flexibilities included in the NRC Re-Occupancy Plan.

By design, the NRC does not have a specific planned date to move to Phase 3, which would reflect a return to normal operations. That date will be determined by State and local conditions at each NRC facility. Throughout all phases, the NRC has continued to fulfill its mission.

2. Has your agency's plan for reopening been made publicly available? If so, please provide the appropriate web address. If not, why? Will it be made publicly available in the near future? Has the plan been distributed or made available to agency employees?

The NRC Re-Occupancy Plan has not, to date, been made publicly available. The agency's planning efforts have been posted on the NRC's public Facebook page and the phase status has been updated on the agency's COVID-19 Web page on the agency's public Web site.³ The NRC Re-Occupancy Plan is posted on the agency's internal COVID-19 Web page for employees and is referenced in a variety of internal communications.

3. Who was responsible for developing your agency's reopening plan?

The NRC Executive Director for Operations (EDO) established a COVID-19 Task Force, comprised of NRC executives from select offices, to address agency operations during the public health emergency. The COVID-19 Task Force created a Working Group to ensure that detailed information was considered by experts within the staff. The Working Group developed the applicable guidance related to re-occupancy planning, as well as re-occupancy training. The NRC COVID-19 Task Force provided direction to the Working Group and reviewed and provided feedback on the re-occupancy planning efforts. The EDO approved all planning documents addressing re-entry into the workplace. The NRC Chairman and Commissioners are kept fully and currently informed of the agency's plans.

a. If individual offices within the agency are responsible for developing their own plans, how is agency leadership involved in that decision-making process? Who amongst agency leadership is involved?

Individual offices that have prepared specific planning documents have based them on the overall NRC Re-Occupancy Plan developed by the NRC COVID-19 Task Force and Working Group to remain consistent with the overall plan. The NRC Re-Occupancy Plan addresses all NRC offices and buildings. The individual offices report to the Deputy Executive Director for Reactor and Preparedness Programs, who serves as the agency's point person for COVID-19 matters, to ensure consistency with the NRC's overall plan for operating during the public health emergency.

³ <https://www.nrc.gov/about-nrc/covid-19/>

4. What was the process for drafting and approving the plan? What data and/or guidance was taken into consideration when preparing the plan?

The NRC Re-Occupancy Plan was drafted by the NRC COVID-19 Task Force and Working Group based on State and local considerations, as well as considerations in the President's "*Opening Up America Again*" plan and on applicable Federal guidance, including from CDC, OMB, and OPM. The draft plan was then coordinated with senior executives agencywide and submitted to the Deputy Executive Director for Reactor and Preparedness Programs for concurrence and to the EDO for final approval.

5. Did your agency submit its reopening plan for consultation, review, or approval by OMB? If so, to whom at OMB did the agency submit its plan? When? What was OMB's response?

No. As an independent agency, the NRC developed and finalized its plan using relevant State and Federal guidance to inform its plan. The NRC Re-Occupancy Plan was submitted to OMB on April 27, 2020, for information.

6. Did your agency submit its reopening plan for consultation, review, or approval by the Centers for Disease Control and Prevention (CDC)? If so, to whom at CDC did the agency submit its plan? When? What was CDC's response?

No. As an independent agency, the NRC developed and finalized its own plan.

7. Did your agency submit its reopening plan to any other guidance-issuing or central-management agencies, such as the Office of Personnel Management (OPM), the Department of Homeland Security (DHS), or the General Services Administration (GSA), for consultation, review, or approval? If so, to whom did your agency submit its plan? When? What was the response?

No. As an independent agency, the NRC developed and finalized its own plan.

8. To what extent did your agency consult with its bargaining units or national union representatives when developing its reopening plans? Please describe any such communication your agency had.

The NRC Re-Occupancy Plan was provided to local union representatives prior to its implementation. This plan and its implementation are discussed in weekly meetings with both national and local union representatives.

9. Do any of your agency's current collective bargaining agreements require that the agency participate in post-implementation bargaining? If so, please describe your agency's timeline for engaging in post-implementation bargaining.

The NRC's collective bargaining agreement, Article 35.5, includes a clause that states that in the case of an operational necessity (i.e., during an emergency or consistent with the necessary functioning of the agency), the NRC shall advise the union in writing of the nature of the necessity and provide the union with as much reasonable advance notice of the intended change as practicable, and the union may pursue whatever course(s) of action as may be available under the law, rule, or regulation. The union has 10 working

days from receipt of the notice in which to invoke its right to negotiate the proposed change(s).

10. Has your agency determined that gating criteria have been met for any of the agency's employees? If so, for which employees has the gating criteria been met? What data was used to make this determination?

The NRC Re-Occupancy Plan does not include employee-specific gating criteria. Instead, it provides for facility-specific re-occupancy phased decisions and is primarily focused on the State and local conditions at each NRC facility.

11. Who has the ultimate responsibility for deciding to open regional or field offices throughout the country? How are local or regional officials being consulted in this process?

The EDO is responsible for implementing the NRC Re-Occupancy Plan, and for moving facilities either individually or together (as appropriate) into each re-occupancy phase. The NRC COVID-19 Task Force and Working Group provide recommendations to the EDO based on published State and local conditions for each facility. Pursuant to the Reorganization Plan No. 1 of 1980, ultimate responsibility for all policy decisions at the NRC rests with the Commission.

12. How are employees classified as "essential" workers? Who makes this determination? Can a position be deemed "essential" after being previously classified as non-essential?

The NRC has not classified employees as essential or non-essential workers during the COVID-19 public health emergency. However, the NRC Re-Occupancy Plan presumes that a small number of employees will perform mission critical work that can only be conducted on-site during the public health emergency.

13. How will your agency reopening plans be altered, adjusted or rolled back if there are local spikes in COVID-19 cases or changes in directions from state or local leaders? Who will be responsible for making this decision?

If State and local conditions in the area of any NRC facility warrant, the COVID-19 Task Force, with the support of the Working Group, will recommend a phase change for that facility to the agency's point person for COVID-19, the Deputy Executive Director for Reactor and Preparedness Programs.

14. Is your agency tracking the number of COVID-19 cases among agency employees? If so, please provide the number of employees affected to date, and whether any specific regions or offices have been particularly affected.

The NRC is tracking the number of reported COVID-19 cases among agency employees. The NRC is aware of 12 NRC employees who have tested positive for COVID-19 as of August 11, 2020. NRC employees are only required to report positive test results for COVID-19 to the NRC if they have been in an NRC facility within 14 days of testing positive for COVID-19.

a. If your agency is tracking the number of COVID-19 cases among employees, does

the agency report these numbers to any other agency, such as OMB, CDC, DHS, OPM, or GSA?

Yes. The NRC reports to the General Services Administration (GSA) as well as to agency employees the number of reported COVID-19 cases among employees who have been in an NRC facility within 14 days of testing positive for COVID-19.

15. What steps have you taken to limit COVID-19 exposure for employees who must interact with the public during the pandemic, either through field visits outside the office or by members of the public visiting agency facilities? Please be sure to include what personal protective equipment (PPE), if any, the agency provides to these employees.

a. What requirements are you placing on individuals entering facilities where federal employees work? Are you requiring temperature checks? Masks?

The NRC has supplied personal protective supplies (e.g., face coverings, gloves) to employees in the field, such as inspectors, as needed. Currently, visitors to NRC facilities are limited. Visitors must be pre-approved and approval is based upon mission need. NRC employees visiting licensed facilities are required to comply with licensees' health and safety requirements, including temperature checks, health screening questions, and facial covering requirements.

The NRC currently requires that face coverings be worn inside all NRC facilities in all areas where six feet of social distancing cannot be maintained, such as hallways, meeting spaces, elevators, stairwells, and other common areas. In Phase 1 of the NRC Re-Occupancy Plan, individuals entering NRC facilities are subject to an access screening involving a no-contact temperature check and screening questions. Currently, NRC regional offices in Georgia and Texas and the Technical Training Center in Tennessee are in Phase 1. In Phase 2, individuals are asked to self-screen before entering an NRC facility. In addition, the NRC required all building occupants to complete NRC Re-Occupancy Training before July 1, 2020.

16. How is your agency modifying office spaces to comply with CDC social distancing guidelines? Has your agency consulted with GSA on this matter?

The NRC determined, based on information provided by GSA, that it is not necessary at this time to modify standard office spaces to comply with social distancing guidance. Accommodations are being made for shared office spaces to comply with CDC guidance, including guidance on social distancing.

17. How does your agency plan to support employees who need additional leave and telework flexibilities to care for dependents or other family members? How is this policy being communicated to employees?

The NRC Re-Occupancy Plan includes maximum telework flexibilities that allow employees with portable work to continue telework, as appropriate, during the public health emergency. It also allows employees to use flexible work schedules, available Monday through Saturday (24 hours a day, six days per week) to accommodate COVID-19 related needs. In rare instances, when the full use of work schedule flexibilities do not completely accommodate an employee's needs, supervisors are authorized to approve up to 10 hours of excused absence per week to offset the amount

of personal leave that an employee would otherwise use. The NRC has issued written guidance and regularly conducts employee briefings to communicate the leave and telework flexibilities provided by the plan.

- 18. Does your agency require employees to do temperature checks to enter work spaces? Are employees required to wear masks in shared office spaces?**
- a. If employees are required to wear masks in shared office spaces, is your agency providing masks to employees?**

The NRC conducts occupant access screening, which includes a no-contact temperature check and screening questions, for facilities that are in Phase 1. Employees are requested to self-screen before coming to work in facilities that are in Phase 2. The NRC requires face coverings to be worn in all areas in NRC facilities where six feet of social distancing cannot be maintained (e.g., hallways, meeting areas, stairwells, elevators, and other common areas) during Phases 1 and 2. The agency is currently providing cloth facial coverings upon request to employees upon arrival at NRC facilities.

- 19. What protocols are in place for alerting agency employees about possible contact with COVID-19? For example, if an employee shows symptoms of, or tests positive for, COVID-19, does the agency do any contact tracing around that employee?**

While the NRC does not do formal contact tracing, the agency does have the following process in place. Upon learning that an employee has tested positive, an assessment is conducted to determine how recently the individual was in an NRC building and what areas were visited. The agency then notifies the entire workforce of this occurrence, without divulging the employee's name or other identifying information. Specific notifications to occupants of the building who may have been in close contact with the individual are made, if the employee who tested positive for COVID-19 had been there within 14 days prior to testing positive.

- 20. How does your agency procure PPE? How does your agency make decisions about distributing PPE to field offices across the country?**

The NRC procures personal protective supplies (e.g., cloth face coverings, gloves, hand sanitizer, and sanitizing wipes) through a combination of purchase card, GSA Schedule, and Interagency Agreements. The items are distributed based on need through close coordination with all NRC facilities and licensed sites where NRC resident inspectors are assigned. The NRC is not currently procuring PPE, such as respirators or coveralls.