

June 18, 2015

MEMORANDUM TO: Mark A. Satorius  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-15-0048 – REQUEST FOR APPROVAL OF STAFF RECOMMENDATION TO AUTHORIZE BABCOCK AND WILCOX NUCLEAR OPERATIONS GROUP-LYNCHBURG TO USE SECTION 161A PREEMPTION AUTHORITY

The Commission has approved authorization for use of Atomic Energy Act Section 161A preemption authority by Babcock and Wilcox Nuclear Operations Group, Inc. (B&W NOG) at the B&W NOG-Lynchburg facility. The Commission has authorized the Director of the Office of Nuclear Material Safety and Safeguards to complete the required license amendment actions and issue the draft Final Confirmatory Orders included in SECY-15-0048, subject to the enclosed edit being made to the Order. The staff should coordinate with the Office of the Secretary to finalize and issue the letter to the Governor of Virginia concurrent with issuance of the final Confirmatory Orders and the associated *Federal Register* notice.

Enclosure:  
Changes to the Confirmatory Order and Letter

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
OGC  
CFO  
OCA  
OPA  
ODs, RAs, ACRS, ASLBP (via E-Mail)  
PDR

SECY Note: This SRM to be released to the public 5 working days after issuance of the letter to the Governor.

**Changes to the Confirmatory Order and Letter in SECY-15-0048**

Change to the Confirmatory Order

1. On page 2, paragraph (2), revise line 1 to read 'There is reasonable assurance that the facilities ....'

Changes to the Letter to the Governor

2. On page 1, 1<sup>st</sup> paragraph, revise lines 1 and 2 to read ' ... Commission (Commission of NRC), I am writing to informing you that of an action the Commission is taking to granting a limited ....'
3. On page 1, 1<sup>st</sup> paragraph, revise lines 5 and 6 to read ' ... 1954 (AEA), as amended ....'
4. On page 1, 1<sup>st</sup> paragraph, revise lines 8 to read ' ... notwithstanding local, State, local, and certain Federal firearms laws (including regulations) that ....'
5. On page 1, 2<sup>nd</sup> paragraph, revise line 2 to read ' ... 161A of the AEA, through ....'
6. On page 1, 2<sup>nd</sup> paragraph, revise lines 4 through 8 to delete everything after ' ... issued an order ...' and continue the sentence from the following paragraph.
7. On page 1, 3<sup>rd</sup> paragraph, revise line 1 to read 'The order designating B&W ...' and move this to follow the revised sentence at the end of the 2<sup>nd</sup> paragraph.
8. On page 1, 4<sup>th</sup> paragraph, revise lines 1 and 2 to read ' ... order that will be issued by the Office of Nuclear Material Safety and Safeguards following issuance of this letter in accordance with established NRC processes.'