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August 10, 2016

Mr. Andrew G. Rander
Security Department Manager
BWXT Nuclear Operations Group, Inc.
2016 Mount Athos Road
Lynchburg, VA 24505-0785

SUBJECT: BWXT AND NUCLEAR FUEL SERVICE REVISED SECURITY OFFICER FATIGUE
MANAGEMENT PROPOSAL

Dear Mr. Rander:

This is in response to your letter number 15-082 dated June 30, 2015 (ML15189A039), which transmitted an updated security officer fatigue management proposal based upon discussions from a closed meeting with the U.S. Nuclear Regulatory Commission (NRC) on May 12, 2015. The closed meeting included members of the security staff from BWXT, Nuclear Fuel Services (NFS) and the Department of Energy/Naval Reactors. As stated in your letter, BWXT and NFS committed to implementing the proposed fatigue management program by revisions to their physical protection plans. Furthermore, BWXT and NFS committed to submitting to the NRC revisions to their physical protection plans within thirty days (after the NRC accepts your proposal) and achieve full compliance within twelve months of the date of the revision.

In reviewing the proposal, the NRC staff from the Offices of Nuclear Material Safety and Safeguards and Nuclear Security and Incident Response have found that the proposal contains the general provisions of a fatigue management program that includes: establishing policy/procedures, recording keep, reporting, work hour controls, waivers, exceptions, fatigue assessments, self-declarations, training and audits. The staff finds that implementing a fatigue management program sooner in the licensee's physical protection plans is preferred instead of continuing a multi-year rulemaking effort to update Title 10 of the *Code of Federal Regulations*, (10 CFR) Part 26. This proposal establishes inspection and enforcement fatigue requirements for security officers within the licensee's physical protection plan. The staff believes the proposal will provide higher assurance that fatigue will not impact security officers at these sites and they will continue to meet their responsibilities including interdict, interpose and neutralize any security threats.

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A. Rander

2

This letter informs BWXT and NFS that the NRC accepts your proposal. A safeguards evaluation report is enclosed. The rulemaking to impose fatigue management requirements on your security officers has been terminated [see Agencywide Documents Access and Management System (ADAMS) Accession ML16063A134 and ML16141A044]. A *Federal Register* notice will be issued in the future to notify the public of this action and why the NRC is no longer pursuing the action. Therefore, as stated in your letter, the NRC expects that within 30 working days from the date of this letter BWXT and NFS will submit their revised physical protection plan. The NRC expects the physical protection plan revisions to include a schedule showing the timeframes for completing major milestones associated with implementing the fatigue management program. Finally, the NRC expects that BWXT and NFS achieve full compliance 12 months from the date BWXT and NFS submit their physical protection plan revisions.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room, or from the Agencywide Documents Access and Management System (ADAMS). The enclosure will not be publically available.

If there are any questions or problems in meeting the commitments, please contact me by telephone at 301-415-7119, or via e-mail at: Merritt.Baker@nrc.gov or Mr. Kevin Ramsey at 301-415-7506, or via e-mail at: Kevin.Ramsey@nrc.gov.

Sincerely,

/RA/

Merritt N. Baker, Senior Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety, Safeguards
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 70-27, 70-143

Enclosure: Safeguards Evaluation Report

cc: R. Freudenberger, Director

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A. Rander

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Sincerely,

/RA/

Merritt N. Baker, Senior Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety, Safeguards
and Environmental Review
Office of Nuclear Material Safety
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Docket Nos.: 70-27, 70-143

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cc: R. Freudenberger, Director

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ADAMS ACCESSION PACKAGE NUMBER: ML16188A324

OFFICE	FCSE/FMB	FCSE/FMB	FCSE/ERB	NSIR	FCSE/FMB	FCSE/MB
NAME	MBaker	KRamsey	AWalker-Smith	WGott	RJohnson	MBaker
DATE	7/7/16	7/7/16	7/11/16	8/10/16	8/10/16	8/10/16

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