



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

May 8, 2020

Mr. Chris Terry, Manager
Licensing and Safety Analysis
BWXT Nuclear Operations Group, Inc.
P.O. Box 785
Lynchburg, VA 24505-0785

SUBJECT: AMENDMENT 33 – APPROVAL OF REGULATORY RELIEF FROM SPECIFIC
PHYSICAL SECURITY COMMITMENTS AND REGULATIONS (ENTERPRISE
PROJECT IDENTIFIER L-2020-SPR-0007)

Dear Mr. Terry:

This refers to letter 20-025, dated March 24, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession Number ML20093E139 – not publicly available due to security-related information in the cover letter and classified information in the enclosure), in which BWXT Nuclear Operations Group, Inc. – Lynchburg, Inc. (BWXT NOG-L) submitted a request for regulatory relief (i.e., license amendment) from specific commitments in the Site Physical Protection Plan and the Training Qualification & Equipment Plan. Additionally, BWXT NOG-L's letter 20-025 requested regulatory relief (i.e., exemptions) from the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) sections 26.65(d)(1), 26.119(a), 73.46(b)(4), 73.46(g)(3)(i), and 73.46(g)(5). Furthermore, BWXT NOG-L's email dated April 3, 2020 (ADAMS Accession Number ML20098D774), supplemented letter 20-025 by requesting exemptions from the fitness for duty requirements of 10 CFR 26.29(c)(2), 26.71(a)(2)-(4), and 26.71(b).

Although BWXT NOG-L currently has no challenges with security staffing levels, it is concerned that due to the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), if there were an increase in COVID-19 cases within the security force in the future, it may not be able to comply with certain regulatory requirements based on security staffing levels. Therefore, BWXT NOG-L is requesting the aforementioned regulatory relief if security staffing reaches the action levels identified in the enclosure to their letter 20-025. The enclosure to BWXT NOG-L's letter 20-025 also stated that all actions associated with site-specific plan commitments or regulatory requirements for which relief has been granted, will resume once security staffing returns to levels above the identified action levels.

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review of the request. The NRC has determined that issuance of this license amendment and exemptions is authorized by law, will not significantly impact the public health and safety and the environment, will not be inimical to the common defense and security, will not endanger life or property or the common defense and security, and is in the public interest.

The letter transmitted contains **Security-Related Information**. When separated from Enclosures 2 & 3, this letter is decontrolled.

C. Terry

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Pursuant to 10 CFR Part 70, Materials License SNM-42 is hereby amended to add Condition SG-6.10 as follows:

SG-6.10 As requested by the licensee in letter 20-025 dated March 24, 2020, which included a classified enclosure and was supplemented by an email dated April 3, 2020, the regulatory relief below is granted in anticipation of the potential impacts to security staffing levels from the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). Within this Safeguards Condition, conditions (a) and (b) have specific dates for when the licensee will resume compliance with the regulatory requirements from which the condition grants an exemption. All actions associated with the regulatory requirements or site-specific plan commitments for which relief has been granted in conditions (c) through (l) of this Safeguards Condition, shall resume no later than 60 days after the COVID-19 PHE has ended.

The licensee will maintain compliance with 10 CFR 26.65(d)(1), 26.71(a)(2)-(4), 26.71(b), 26.119(a), 73.46(g)(3)(i), 73.46(g)(5), and the commitments in the Site Physical Protection Plan and the Training Qualification & Equipment Plan except for when security officer absenteeism is within Level I or Level II, as defined by the enclosure to its letter 20-025. The licensee shall notify the NRC's Headquarters Operations Officer within 24 hours of security officer absenteeism reaching Level I or Level II. When security officer absenteeism is within Level I or Level II, the licensee shall comply with conditions (c) through (l) of this Safeguards Condition, as applicable. When security officer absenteeism is within Level II, the licensee shall also take the actions to achieve a shuttered state, as defined by the enclosure to its letter 20-025.

The NRC will notify the licensee in writing that SNM-42 is amended to delete this Safeguards Condition 60 days after the COVID-19 PHE has ended.

- (a) Notwithstanding the requirements of 10 CFR 26.29(c)(2), the licensee is exempt from the annual fitness-for-duty refresher training required by May 31, 2020. The licensee shall complete the annual fitness-for-duty refresher training by December 31, 2020.
- (b) Notwithstanding the requirements of 10 CFR 73.46(b)(4), the licensee is exempt from security officer training and qualification through December 31, 2020. The licensee shall resume meeting the security officer training and qualification requirements of 10 CFR 73.46(b)(4) by January 1, 2021.

NOTE: Conditions (c) through (l) of this Safeguards Condition must be withheld from public disclosure because they contain sensitive security-related information.

All other license conditions shall remain the same. Enclosures 1 and 2 to this letter provide the amended Materials License SNM-42. The NRC staff's review is documented in a Safeguards Evaluation Report, which is Enclosure 3 to this letter. This letter concludes action on this submittal and Enterprise Project Identifier L-2020-SPR-0007 is considered **CLOSED**.

C. Terry

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A copy of this letter and Enclosure 1 will be available electronically for public inspection in the NRC Public Document Room, or from the Publicly Available Records System component of ADAMS. The ADAMS database is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact James Downs of my staff at 301-415-7744, or via e-mail to: James.Downs@nrc.gov.

Sincerely,

Andrea L. Kock, Director
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-27
License No. SNM-42

Enclosures:

1. Amendment 33 to Materials License
SNM-42
2. Amendment 33 to Materials License
SNM-42 (Non-Public)
3. Safeguards Evaluation Report (Non-Public)

cc: bwxt@listmgr.nrc.gov

~~OFFICIAL USE ONLY — SECURITY — RELATED INFORMATION~~

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DATED: May 8, 2020

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