



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

December 31, 2020

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

SUBJECT: AMENDMENT 40 – APPROVAL OF ADDITIONAL TERMS FOR THE RELIEF FROM SPECIFIC REGULATORY EXEMPTIONS AND LICENSE COMMITMENTS DUE TO THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY (ENTERPRISE PROJECT IDENTIFIER L-2020-LLA-0277)

Dear Mr. Terry:

This refers to letter 20-076, dated December 1, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession Number ML20351A328 – not publicly available due to security-related information in the cover letter and classified information in the enclosure), as revised by letter dated December 17, 2020 (ADAMS Accession Number ML20353A214 – not publicly available due to security-related information contained within), and letter 20-082, dated December 18, 2020 (ADAMS Accession Number ML20353A206), in which BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT NOG-L) requested extensions (i.e., additional terms) for exemptions from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Sections 26.29(c)(2), 73.46(b)(4), and 73.46(b)(9). Furthermore, BWXT NOG-L's letter 20-082 requested additional terms for license amendments that address specific commitments regarding: (1) certain radiation protection activities, as referenced in the license application should a shutdown of normal operations in certain facility areas become necessary; and (2) monthly Emergency Team training and quarterly emergency organization (EMO) drills, as referenced in the Emergency Plan. The additional terms for the previously granted regulatory relief were requested by BWXT NOG-L to avoid potential impacts from the Coronavirus Disease 2019 public health emergency.

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review and determined that additional terms for these exemptions and license amendments 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.

Pursuant to 10 CFR Part 70, Materials License SNM-42 is hereby amended to revise Condition S-1(a) as follows:

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

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- S-1(a) As requested by the licensee in letter 20-042 dated May 22, 2020, which included a proprietary enclosure, and letter 20-082 dated December 18, 2020, the regulatory relief below is granted from the license commitments specified in Chapter 4 of the License Application in anticipation of the potential impacts to radiation protection staffing levels from the Coronavirus Disease 2019 public health emergency. The licensee shall notify the assigned NRC Resident Inspector and Project Manager within 48 hours of the determination to invoke the approved relief for an area of the facility. Effective June 30, 2021, this temporary change will be removed. All actions associated with the site-specific commitments for which relief has been granted shall resume after June 30, 2021, and the NRC will notify the licensee in writing that SNM-42 is amended to delete this condition (a) of Safety Condition S-1.

If radiation protection staffing levels cause the shutdown of operations and cessation of special nuclear material movements in the Filler, Uranium Recovery, or Research and Test Reactor areas of the facility, then the licensee is not required to comply with the daily radiation safety inspection, monthly airflow velocity reading for ventilation systems, and semiannual and annual instrumentation calibrations on survey instruments and dosimetry, as described in Chapter 4 of its application for that area. Prior to entering shutdown of a specified area, the licensee shall ensure there is adequately calibrated equipment on hand to support emergent conditions that could arise during a shutdown. Prior to exiting shutdown of a specified area, the licensee shall resume the radiation safety inspections, airflow velocity reading for ventilation systems, and semiannual and annual instrumentation calibrations on survey instruments and dosimetry, as described in Chapter 4 of its application. Prior to resuming normal operations, instruments whose calibrations have lapsed during a shutdown shall be recalibrated and the prescribed requirements for airflow velocity, differential pressure requirements, or other calibrations in support of internal dose limitations must be met.

Pursuant to 10 CFR Part 70, Materials License SNM-42 is hereby amended to revise Condition S-2(b) as follows:

- S-2(b) As requested by the licensee in letter 20-045 dated May 27, 2020, supplemented by email dated June 18, 2020 (ADAMS Accession No. ML20171A425), and letter 20-082 dated December 18, 2020, the Emergency Plan is temporarily changed to not require performance of the monthly Emergency Team training and quarterly emergency organization drills through June 30, 2021. Effective June 30, 2021, this temporary Emergency Plan change will be removed, the periodicity for the performance of the Emergency Team training will go back monthly, and the periodicity of the performance of the emergency organization drills will go back to quarterly.

Pursuant to 10 CFR Part 70, Materials License SNM-42 is hereby amended to revise Condition SG-6.9 as follows:

- SG-6.9 Notwithstanding the requirements of 10 CFR 73.46(b)(9), the licensee is exempt from conducting Tactical Response Team and guard exercises through April 30, 2021. After that date the licensee must resume normal operations and commits to performing all missed exercises by June 30, 2021. Furthermore, the licensee commits to communicating with the NRC if any observed exercises need to be rescheduled to a mutually agreeable date.

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Pursuant to 10 CFR Part 70, Materials License SNM-42 is hereby amended to revise Condition SG-6.10 as follows (note that no changes were made to Conditions (c) through (l)):

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, and letter 20-076 dated December 1, 2020, which included a classified enclosure and was revised by letter dated December 17, 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 through June 30, 2021. The licensee shall complete the annual fitness-for-duty refresher training by December 31, 2021.
- (b) Notwithstanding the requirements of 10 CFR 73.46(b)(4), the licensee is exempt from security officer training and qualification through June 30, 2021. The licensee shall resume meeting the security officer training and qualification requirements of 10 CFR 73.46(b)(4) effective July 1, 2021.

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

Additionally, license Condition SG-6.1 was revised to correct the title of the Physical Protection Plan and license Condition SG-6.3 was revised to correct the title, date, and revision of the previously approved Safeguards Contingency Plan (ADAMS Accession Number ML18022A958). All other license conditions shall remain the same.

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Enclosures 1 and 2 to this letter provide the amended Materials License SNM-42. The NRC staff's review is documented in a Safety Evaluation Report, which is Enclosure 3 to this letter. This letter concludes action on these submittals and Enterprise Project Identifier L-2020-LLA-0277 is considered **CLOSED**.

A copy of this letter, Enclosure 1, and Enclosure 3 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,

Damaris Marcano, Acting Chief
Fuel Facilities Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

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

Enclosures:

1. Amendment 40 to Materials License SNM-42
2. Amendment 40 to Materials License SNM-42 (Non-Public)
3. Safety Evaluation Report

cc: bwxt@listmgr.nrc.gov

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DATED: December 31, 2020

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ADAMS Accession Nos.: **ML20356A023 (Pkg.)** **ML20356A024 (Ltr.)**
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