



BWX Technologies, Inc.

February 29, 2024
24-012

70-027

ATTN: Document Control Desk
Director, Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Reference: REQUEST FOR ADDITIONAL INFORMATION REGARDING SUBMITTAL FOR
EXEMPTION FROM IMPLEMENTATION OF SECURITY EVENT NOTIFICATION
AND SUSPICIOUS ACTIVITY REPORTING - ENTERPRISE PROJECT
IDENTIFIER L-2023-SPR-0013

Subject: Response to Request for Additional Information Regarding Submittal For
Exemption From Implementation of Security Event Notification
and Suspicious Activity Reporting

Dear Sir or Madam,

By our letter dated November 16, 2023, BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT NOG-L) requested an exemption from certain security event notification and suspicious activity reporting implementation in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5.

BWXT is providing the enclosed responses to the NRC Request for Additional Information, received on February 9, 2024.

If you have questions or require additional information, please contact me at 434-522-5696 or by email at ejspiva@bwxt.com.

Sincerely,

E. Jay Spiva
Security Director | Department Manager
BWXT Nuclear Operations Group, Inc. - Lynchburg

SODIA
NMSSZD
NMSS

Enclosure

cc: NRC, James Downs, Senior Project Manager
cc: US NRC Region II
cc: NRC Resident Inspector

Enclosure

**BWXT NOG-L response to the NRC Request for Additional
Information**

RAI-1: In the submitted exemption request, BWXT NOG-L stated that the site will continue to comply with security event reporting, as previously required in 10 CFR 73, Appendix G, "Reportable Safeguards Events." Confirm whether BWXT NOG-L will continue to comply with the requirements of 10 CFR 73.71, "Reporting of Safeguards Events," and 10 CFR 73, Appendix G that were required prior to March 2023, for the duration of the requested exemption term.

BWXT NOG-L Response (RAI-1):

NOG-L confirms it will continue to comply with the requirements of 10 CFR 73.71, "Reporting of Safeguards Events," and 10 CFR 73, Appendix G that were required prior to March 2023, for the duration of the requested exemption term.

RAI-2: In its exemption request, BWXT NOG-L states that the site currently complies with the definition for "Time of Discovery" provided in NRC-endorsed document NEI 03-12, "Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, [and Independent Spent Fuel Storage Installation Security Program]," and Regulatory Guide 5.62, Revision 1. However, NRC staff could not find a definition for the term "Time of Discovery" either in NRC Regulatory Guide 5.62, or in the referenced NEI 03-12 document. In addition, staff could not find a definition for this term in the BWXT NOG-L site security plan. NEI 03-12, Revision 7 (ML 11301A066), contains the term "Discovery (time of)." Confirm whether BWXT NOG-L currently complies with the definition of "Discovery (time of)" from NEI 03-12, for implementing the site security plan, and that it will continue to comply with it for the duration of the requested exemption term. Alternatively, a definition for "Time of Discovery" could be proposed for implementing the site security plan for the duration of the requested exemption term.

BWXT NOG-L Response (RAI-2):

NOG-L confirms current compliance with the definition of "Discovery (time of)" from NEI 03-12, for implementing the site security plan, and continued compliance for the duration of the requested exemption term.

RAI-3: Prior to the effective date of April 13, 2023, licensees voluntarily reported suspicious activity to the NRC and other federal agencies. Confirm whether BWXT NOG-L will continue to be capable of voluntarily reporting suspicious activity to the NRC and other federal agencies for the duration of the requested exemption term.

BWXT NOG-L Response (RAI-3):

NOG-L confirms it will continue to maintain the capability to voluntarily report suspicious activity to the NRC and other federal agencies for the duration of the requested exemption term.