

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, 1st 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, 1st paragraph, revise lines 5 and 6 to read ' ... 1954 (AEA), as amended'
4. On page 1, 1st paragraph, revise lines 8 to read ' ... notwithstanding local, State, local, and certain Federal firearms laws (including regulations) that'
5. On page 1, 2nd paragraph, revise line 2 to read ' ... 161A of the AEA, through'
6. On page 1, 2nd 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, 3rd paragraph, revise line 1 to read 'The order designating B&W ...' and move this to follow the revised sentence at the end of the 2nd paragraph.
8. On page 1, 4th 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.'