

From: [Downs, James](#)
To: [Terry, Chris T](#)
Cc: [Subosits, Stephen G](#); [Mott, Kenneth](#); [norris, michael](#)
Subject: Request for Additional Information on the BWXT NOG-L Request for Exemption from the Biennial Emergency Preparedness Exercise
Date: Wednesday, September 29, 2021 1:03:00 PM

Dear Mr. Terry:

By letter 21-050 dated September 14, 2021 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML21266A300), BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT NOG-L) requested approval of a request for regulatory relief via a onetime extension to conducting the calendar year (CY) 2021 Biennial Evaluated Emergency Exercise for the SNM-42 license.

The U.S. Nuclear Regulatory Commission (NRC) staff has completed an acceptance review of the submittal, and has identified no administrative omissions or deficiencies that would prevent proceeding with a detailed review. The submittal has been assigned Enterprise Project Identification Number (EPID) L-2021-EPR-0004. Please reference this EPID number and Docket Number 70-27 in all future correspondence associated with this request. In addition, the NRC staff estimates that completing our review of the submittal will require approximately 20 staff hours, which corresponds to about \$5,760.00 (\$288.00/hr).

Furthermore, the NRC staff has identified additional information that is needed before final action can be taken on the regulatory relief request. To ensure that final action can be taken in the timeframe needed to maintain regulatory compliance, the additional information requested below should be provided within 15 days to support the expedited nature of the request.

Pending your response, we anticipate completing our review by November 1, 2021. This date could change depending on the findings of our technical review, urgent assignments, or other factors. We will promptly communicate any significant changes to this schedule.

Request for Additional Information:

The NRC issued a letter on May 14, 2020, to the Nuclear Energy Institute (ADAMS Accession No. ML20120A003), as supplemented by a letter November 10, 2020 (ADAMS Accession No. ML20261H515), related to emergency biennial exercise requirements during the COVID-19 public health emergency for all licensees under Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 30, 40, 50, 52, 70, and 72 that have a radiological emergency plan. The NRC staff was not able to identify some of the May 14, 2020 letter's requested information necessary to receive expedited review of an exemption request, and have listed these topics in the bullet points below. This information is necessary to determine that compliance is maintained with the requirements of 10 CFR 70.17(a) and 10 CFR 70.22(i)(3)(xii).

As described in the NRC's letter dated May 14, 2020 (revised with 2021 information), to receive expedited review of an exemption request, a licensee should submit a request that contains the following information:

- a. The currently scheduled biennial exercise date for CY 2021.
- b. A statement that the licensee has made a reasonable effort to reschedule the exercise during CY 2021 but was unsuccessful.
- c. A statement that if an exemption is granted to allow the licensee to conduct the CY 2021 biennial exercise in CY 2022, that future biennial exercises will continue to be held in odd numbered years.
- d. A statement that the licensee conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise.
- e. A statement that the rescheduled biennial exercise will be coordinated with the applicable offsite response organizations (if offsite response organization participation is required) and the applicable NRC Region.

Regulatory Requirements:

10 CFR 70.17(a)
10 CFR 70.22 (i)(3)(xii)

Regulatory Guidance:

NRC letter dated May 14, 2020 (ADAMS Accession No. ML20120A003).
NRC letter November 10, 2020 (ADAMS Accession No. ML20261H515).
NUREG-1520, Rev. 2; "Standard Review Plan for Fuel Cycle Facilities License Applications," June 2015.

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

Sincerely,

James Downs, P.E.
Senior Project Manager
U.S. Nuclear Regulatory Commission
NMSS/DFM/FFLB