

November 18, 2004

Ms. Leah R. Morrell
Licensing Officer
BWX Technologies, Inc.
Nuclear Products Division
P.O. Box 785
Lynchburg, Virginia 24505-0785

SUBJECT: BWX TECHNOLOGIES, INC., AMENDMENT 111 - REQUEST FOR
EXTENSION TO 45-DAY REQUIREMENT OF FUNDAMENTAL NUCLEAR
MATERIAL CONTROL PLAN (TAC L31851)

Dear Ms. Morrell:

This letter is in response to your letters dated September 28 and November 10, 2004, in which you requested a 30-day extension to the 45-day requirement in Section 4.7.1.2 of your Fundamental Nuclear Material Control Plan for completion of receipt measurements and distribution of Department of Energy/Nuclear Regulatory Commission (NRC) Form 741 for certain impure oxide identified in the September 28, 2004, letter. We have completed the review of the request and have determined that this change is acceptable. This extension will automatically expire on completion of the final shipment of the subject impure oxide. Accordingly, pursuant to Part 70 of Title 10 of the *Code of Federal Regulations*, Materials License SNM-42 is hereby amended to accommodate your request. Thus, Safeguards License Condition (LC) SG-4.32 has been added to your license and reads as follows:

SG-4.32 Notwithstanding the commitments in Section 4.7.1.2 of the Fundamental Nuclear Material Control Plan identified in Condition SG-5.1 to follow the requirements contained in NUREG/BR-0006, "Instructions for Completing Nuclear Material Transaction Reports," for performing and reporting receipt measurements, the licensee shall: (a) within 10 days acknowledge receipt of the shipment in accordance with NUREG/BR-0006 using the shipper's values, and (b) within 75 days after receipt of each shipment report receiver's values, if necessary, in accordance with NUREG/BR-0006. This condition only applies to the [REDACTED] identified in the licensee's letters dated September 28 and November 10, 2004, and shall automatically expire on completion of the final shipment of the subject [REDACTED]. Upon completion of the final shipment, BWXT shall notify NRC with a written request to amend SNM-42 to delete SG-4.32.

OFFICIAL USE ONLY
May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552)
Exemption number <u>2</u>
Nuclear Regulatory Commission review required before public release.
Gary S. Janosko, NMSS/FCSS /RA/
Name and organization of person making determination
Date of Determination <u>November 18, 2004</u>

[REDACTED]

L. Morrell

2

Safety LC S-2 has been updated to reflect the most recent revision to the Emergency Plan, revision dated September 13, 2004 (reference NRC letter dated November 4, 2004). Thus, Safety LC S-2 has been revised in your license and reads as follows:

S-2 The licensee shall maintain and execute the response measures in the Emergency Plan as revised on September 13, 2004, or as further revised by the licensee consistent with 10 CFR 70.32(i).

All other conditions of this license shall remain the same. Enclosed is a copy of the revised Materials License SNM-42 and the Safeguards Evaluation Report, which includes the Environmental Review and determination that this action did not require an environmental assessment or environmental impact statement.

If you have any questions concerning this letter, please contact Bill Gleaves of my staff by phone at (301) 415-5848 or via email to bcg@nrc.gov.

This letter contains sensitive, unclassified information. Therefore, it will not be placed in the Public Document Room nor the Publicly Available Records component of the NRC's document system (otherwise known as ADAMS).

Sincerely,

/RA/

Gary S. Janosko, Chief
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-27
License No.: SNM-42
Amendment 111

Enclosures: 1. Materials License SNM-42
2. Safeguards Evaluation Report

cc: Mr. M.C. Suwala, Manager
Nuclear Material Control
BWX Technologies, Inc.
P.O. Box 785
Lynchburg, VA 24505-0785

[REDACTED]

Safety LC S-2 has been updated to reflect the most recent revision to the Emergency Plan, revision dated September 13, 2004 (reference NRC letter dated November 4, 2004). Thus, Safety LC S-2 has been revised in your license and reads as follows:

S-2 The licensee shall maintain and execute the response measures in the Emergency Plan as revised on September 13, 2004, or as further revised by the licensee consistent with 10 CFR 70.32(i).

All other conditions of this license shall remain the same. Enclosed is a copy of the revised Materials License SNM-42 and the Safeguards Evaluation Report, which includes the Environmental Review and determination that this action did not require an environmental assessment or environmental impact statement.

If you have any questions concerning this letter, please contact Bill Gleaves of my staff by phone at (301) 415-5848 or via email to bcg@nrc.gov.

This letter contains sensitive, unclassified information. Therefore, it will not be placed in the Public Document Room nor the Publicly Available Records component of the NRC's document system (otherwise known as ADAMS).

Sincerely,

/RA/
Gary S. Janosko, Chief
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-27
License No.: SNM-42
Amendment 111

Enclosures: 1. Materials License SNM-42
2. Safeguards Evaluation Report

cc: Mr. M.C. Suwala, Manager
Nuclear Material Control
BWX Technologies, Inc.
P.O. Box 785
Lynchburg, VA 24505-0785

CLOSES TAC No. L31851

DISTRIBUTION: w/encl.

FCFB r/f D.Ayres, Region II S.Caudill, Region II G.Wertz Sr. Res. Insp
D.Stout M.Baker T.Pham, NSIR/DNS S.Cross, NSIR/DNS

C:\MyFiles\Copies\BWXT Amend 111 LTR & SER.wpd

ML043240611

*see previous concurrence

OFC	FCSS/NMSS	E	FCSS/NMSS	DNS/NSIR	FCSS/NMSS	FCSS/NMSS
NAME	W.Gleaves*		J.Muszkiewicz	V.Ordaz	J.Lubinski	G.Janosko
DATE	11/15/04		11/15/04	11/16/04	11/18/04	11/18/04



OFFICIAL RECORD COPY

