

UNITED STATES NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
DIVISION OF FUEL CYCLE SAFETY AND SAFEGUARDS

ENVIRONMENTAL ASSESSMENT
RELATED TO THE EXEMPTION REQUEST FOR THE NUCLEAR REGULATORY
COMMISSION LICENSE NO. SNM-42
DATED JUNE 23, 2006, FOR BWX TECHNOLOGIES, INC.

DOCKET NO. 70-27

November 2006

Enclosure 3



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ENVIRONMENTAL ASSESSMENT
RELATED TO THE EXEMPTION REQUEST FOR NRC LICENSE NO. SNM-42
DATED JUNE 23, 2006 FOR BWX TECHNOLOGIES, INC.

1.0 INTRODUCTION

1.1 Background

By letter dated June 23, 2006, BWX Technologies, Inc. (BWXT) submitted a request to the Nuclear Regulatory Commission (NRC) for exemption from 10 CFR Part 73 requirements, which states that all medical examinations are to be performed by licensed physicians. A corrected request was submitted by letter dated September 28, 2006. The exemption would allow BWXT (the licensee) to have licensed nurse practitioners conduct medical examinations, as currently permitted under the Commonwealth of Virginia regulations. Under NRC license SNM-42 and the provisions of 10 CFR Part 70, Domestic Licensing of Special Nuclear Material, BWXT is authorized to receive and possess special nuclear material for the fabrication and assembly of nuclear fuel components at their facility located in Lynchburg, Virginia.

This environmental assessment is being prepared in accordance with the NRC National Environmental Policy Act (NEPA) - implementing regulations of 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions; applicable NRC guidance from NUREG-1748, Environmental Review Guidance for Licensing Actions Associated with Nuclear Material Safety and Safeguards Programs; and Council on Environmental Quality regulations (40 CFR Parts 1500-1508). The NRC is also conducting a safety review of the BWXT request for exemption. The results of the safety review will be documented in a separate Safety Evaluation Report.

The documents evaluated in preparing this Environmental Assessment include the NRC Environmental Assessment for Renewal of License SNM-42, dated August 2005, and the E-mail from BWXT (Leah Morrell, September 18, 2006), stating, with respect to this exemption request, that Revision 1 of the BWXT Environmental Report dated March 10, 2004, remains current. Additional references are listed in Section 8.0 of this Environmental Assessment.

1.2 Need for the Proposed Action

The Commonwealth of Virginia has established regulations (18 VAC 90-30-10 et seq.) that authorize licensed nurse practitioners to practice medicine in collaboration with, and under the medical direction and supervision of a licensed physician. The current text of 10 CFR Part 73 limits the conduct of the medical examinations to licensed physicians, thereby prohibiting licensed nurse practitioners from engaging in this activity. If the exemption request is denied, the Commission would be prohibiting the practice of medicine, related to 10 CFR Part 73, by individuals who are otherwise authorized to practice medicine by the Commonwealth of Virginia regulations.



1.3 The Proposed Action

The proposed action would be an exemption from 10 CFR Part 73 requirements that a licensed physician conduct medical examinations of specified personnel to measure physical ability to perform assigned security job duties and to determine if there are any medical contraindications as disclosed by the medical examination to participation in physical fitness tests. This exemption would allow the licensee to have the required medical examination performed by a licensed nurse practitioner in accordance with the Commonwealth of Virginia regulations (18 VAC 90-30-10 et seq.). The proposed action is in accordance with the licensee's application dated June 23, 2006.

2.0 ALTERNATIVES TO THE PROPOSED ACTION

No Action Alternative

If the exemption is not granted, licensed activities would continue as currently authorized.

3.0 AFFECTED ENVIRONMENT

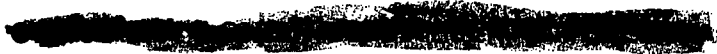
The affected environment is the same as described in the Environmental Assessment dated August 2005.

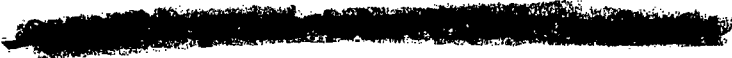
4.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION AND THE NO ACTION ALTERNATIVE

The NRC staff has completed its evaluation of the proposed action and concludes that allowing licensed nurse practitioners to conduct the required medical examinations would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off-site. There is no significant increase in the amount of any effluent released off-site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites because no previously undisturbed area will be affected by the proposed action. The proposed action does not affect non-radiological plant effluents and has no other effect on the environment. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action and, thus, the proposed action will not have any significant impact to the human environment. The proposed action does not alter the Environmental Assessment for BWXT, provided in August 2005 (ML0523603121).





Environmental Impacts of the Alternatives to the Proposed Action:

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. Thus, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources:

The action does not involve the use of any different resources than those previously considered.

5.0 AGENCIES AND PERSONS CONSULTED

In accordance with NUREG-1748, Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, the NRC staff consulted with other agencies regarding the proposed action. These consultations were intended to provide other agencies an opportunity to comment on the proposed action and to ensure that the requirements of Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act were met with respect to the proposed action.

5.1 Commonwealth of Virginia

The Commonwealth of Virginia had no comments.

5.2 Fish and Wildlife

The NRC staff has determined that Section 7 consultation is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat.


5.3 Virginia Department of Historic Resources

The NRC staff has determined that the proposed action does not have the potential to cause effects on historic properties because it is administrative/procedural in nature. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

6.0 Conclusion

Based on the above, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action and, thus, the proposed action will not have any significant impact to the human environment. The proposed action does not alter the Environmental Assessment for BWX Technologies, Inc. provided in August 2005 (ML0523603121).





On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment, no environmental impact statement is required, and a finding of no significant impact is appropriate in accordance with 10 CFR 51.31.

7.0 PREPARER

J. Wiebe, Project Manager, All Sections

8.0 LIST OF REFERENCES

BWXT. "Request for Exemption from 10 CFR 73, Appendix B IC." Letter (June 23, 2006) to Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission. Lynchburg, Virginia: BWXT, Nuclear Products Division.

BWXT. "Request for Exemption from 10 CFR 73, Appendix B IC." Supplemental letter (June 28, 2006) to Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission. Lynchburg, Virginia: BWXT, Nuclear Products Division.

BWXT. "Nurse Practitioner Request." E-mail (September 18, 2006) to Billy Gleaves, Project Manager, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission. Lynchburg, Virginia: BWXT, Nuclear Operations Division.

BWXT, "Correction to Request for Exemption from 10 CFR Part 73, Appendix B IC letter dated June 23, 2006." Letter (September 28, 2006) to Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission. Lynchburg, Virginia: BWXT, Nuclear Operations Division

NRC. NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs - Final Report." (August 2003) Washington, DC: NRC.

NRC. "Environmental Assessment Related to the Renewal of License No. SNM-42." Docket 70-027 (August 2005) ML030940720. Washington, DC: NRC.