



# COMMONWEALTH of VIRGINIA

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October 24, 2007

Amy M. Snyder, Senior Project Manager  
U.S Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards  
Division of Fuel Cycle Safety and Safeguards  
Fuel Facility Licensing Directorate (FFLD)  
Fuel Manufacturing Branch (FMB)  
Mail Stop EBB-2C40M  
Washington, D.C. 20555-0001

RE: Draft Environmental Assessment related to a License Amendment Request For  
BWX Technologies, Inc. License No. SNM-42 Dated May 2, 2007

Dear Ms. Snyder:

I am responding to your request for comment regarding BWX Technologies Inc.'s request to amend license with an exemption to the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Section 70.24, for criticality monitoring, and I recommend denial of approving the exemption unless additional information is provided.

In the information you provided, BWX Technologies Inc. did not explain why the security requirements were not compatible with a fixed criticality monitoring system, nor did they provide an estimate of the fiscal cost to comply with both requirements, i.e. security and criticality monitoring. If this facility's license pre-dates December 16, 1974, it would be interesting to learn why the licensee is not capable of meeting the requirements stated in Section 70.24 paragraph (a) (2), which allows greater distances between the monitor and the special nuclear material. The documentation also did not discuss situations, if any exist, that could disturb the stored material and initiate a criticality event during the time that a portable critically alarm is not in place.

Recently Virginia's Department of Environmental Quality submitted its comments dated October 17, 2007 regarding BXW Technologies' request for an exemption for criticality

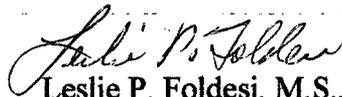
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monitoring. Included among the documents was a comment I had prepared on June 17, 2005 regarding an Environmental Assessment on the License Renewal for BWX Technology. In my comment I had stated that I concurred with the conclusion of the safety analysis report that the accident scenario with the greatest consequences would be those associated with fires that could result in airborne releases of radioactive materials. The effects of a criticality accident would probably be limited to the immediate area (within the security perimeter) and without any off-site consequences.

Having stated the above, i.e. there is low probability of an off- site consequence; however, I am concerned whether the licensee is capable of promptly characterizing an incident and reporting the event accurately to off- site officials if a criticality accident should occur without a fixed criticality monitoring system.

I appreciate the opportunity to comment on the proposed action. Please feel free to call me (804) 864-8151) or send an e-mail to [Les.Foldesi@vdh.virginia.gov](mailto:Les.Foldesi@vdh.virginia.gov) if you have any questions regarding my comments.

Sincerely yours,



Leslie P. Foldesi, M.S., CHP  
Director, Division of Radiological Health

cc: Ellie L. Irons  
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