

[REDACTED]

January 7, 2008

Mr. Barry Cole
Licensing Officer
BWX Technologies, Inc.
1570 Mt. Athos Rd - Rte 726
P.O. Box 785
Lynchburg, VA 24505-0785

SUBJECT: BWX TECHNOLOGIES, INC. - EXEMPTION FROM THE REQUIREMENTS OF
10 CFR PART 70.24, AMENDMENT 3 (TAC L32635)

Dear Mr. Cole:

The U.S. Nuclear Regulatory Commission (NRC) has granted BWX Technologies, Inc. (BWXT, the licensee) an exemption from the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70, Section 70.24, paragraph 70.24(a)(1) during periods when spent nuclear fuel at the [REDACTED] is in the stored configuration with [REDACTED] in place. When the [REDACTED] are accessible (i.e., without the modifications due to implementation of NRC Order EA-07-011), the requirements of 10 CFR 70.24(a)(1) shall be met. This action is in response to your request dated, May 2, 2007, as supplemented by letters dated May 14, June 22, and November 6, 2007, that requested an exemption from the requirements of 10 CFR 70.24 for criticality monitoring.

During the times when BWXT must access the spent nuclear fuel stored at the [REDACTED], BWXT has committed to: 1) supplement the permanent fixed criticality monitoring system in the associated areas with hand-held radiation monitoring, and 2) have compensatory physical protection in the associated areas. These commitments are now conditions to materials license No. SNM-42, as follows:

S-12

"Notwithstanding the requirements of 10 CFR 70.24 (a)(1), criticality monitoring of the [REDACTED] spent fuel storage [REDACTED] at the [REDACTED] is not required during periods when the material is in the stored configuration with [REDACTED] in place and inaccessible. When the [REDACTED] are accessible (i.e., without the modifications due to implementation of NRC Order EA-07-011), the requirements of 10 CFR 70.24 (a)(1) shall be met. The licensee shall have permanent fixed criticality monitoring systems in-place and operational in the spent nuclear fuel storage areas at all times when the spent nuclear fuel is present. In addition, when access to the spent fuel is required, the licensee shall supplement the permanent fixed criticality monitoring systems with hand-held radiation monitoring as described in its May 2, 2007, application to the NRC."

[REDACTED]

B. Cole

-2-

SG-6.8 "The licensee shall have in-place compensatory security measures as described in its April 6, 2007, response to NRC's request for additional information regarding the NRC Order EA-07-011 when spent nuclear fuel is accessible in the spent nuclear fuel storage areas."

All other conditions of the license shall remain the same.

A copy of the amended license, safety evaluation report, and the environmental assessment are enclosed. This action closes out Task Activity Code (TAC) Number L32635.

As reflected in the NRC's July 17, 2007, letter to BWXT, regarding its request for an extension of the implementation date for the additional security measures required by EA-07-011, implementation of Section B.4 of EA-07-011 is required within 30 days from the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a redacted copy of this letter will be available electronically for public inspection in the NRC Public Document Room and from the Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Robert C. Pierson, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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

Enclosures:

1. Exemption Letter to BWXT from NRC, (public version)
2. SNM-42 Amendment 3 (non-public version)
3. SNM-42, Amendment 3 (public version)
4. Safety Evaluation (non-public version)
5. Safety Evaluation (public version)
6. Environmental Assessment

cc w/encl (public version):

- L. Foldesi, Virginia Department of Health
- E. Irons, Virginia Department of Environmental Quality
- D. Rippentrop, DOE/NR

B. Cole

-2-

SG-6.8

"The licensee shall have in-place compensatory security measures as described in its April 6, 2007, response to NRC's request for additional information regarding the NRC Order EA-07-011 when spent nuclear fuel is accessible in the spent nuclear fuel storage areas."

All other conditions of the license shall remain the same.

A copy of the amended license, safety evaluation report, and the environmental assessment are enclosed. This action closes out Task Activity Code (TAC) Number L32635.

As reflected in the NRC's July 17, 2007, letter to BWXT, regarding its request for an extension of the implementation date for the additional security measures required by EA-07-011, implementation of Section B.4 of EA-07-011 is required within 30 days from the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a redacted copy of this letter will be available electronically for public inspection in the NRC Public Document Room and from the Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Robert C. Pierson, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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

Enclosures:

1. Exemption Letter to BWXT from NRC, (public version)
2. SNM-42 Amendment 3 (non-public version)
3. SNM-42, Amendment 3 (public version)
4. Safety Evaluation (non-public version)
5. Safety Evaluation (public version)
6. Environmental Assessment

cc w/encl (public version):

- L. Foldesi, Virginia Department of Health
- E. Irons, Virginia Department of Environmental Quality
- D. Rippentrop, DOE/NR

DISTRIBUTION:

FMB r/f MAdams GWertz/RGN II AGooden/RGNII SSubosits/RGNII JHull

ML073550004

OFC	FFLD	FFLD	NSIR	FFLD	FFLD	FCSS
NAME	ASnyder	VCheney /L. Williamson for/	PKelley Via E-Mail	PHabighorst	M. Tschiltz	RPierson
DATE	12/18/07	12/21/07	12/21/07	12/21/07	1/7/08	1/7/08

OFFICIAL RECORD COPY