

[REDACTED]

May 17, 2006

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

SUBJECT: BWX TECHNOLOGIES, INC., 30-DAY REPORT ON [REDACTED] DROP  
(TAC L31945)

Dear Ms. Morrell:

The U.S. Nuclear Regulatory Commission (NRC) has received BWX Technologies, Inc.'s letter (06-043), *30-Day Report on [REDACTED] Drop*, dated March 22, 2006. In said letter you stated, in part, that a chemical exposure to personnel from a potential chemical exposure event, such as may occur if a large, [REDACTED] dropped into [REDACTED], would not fall under the regulatory requirements of 10 CFR Part 70. In accordance with your request we are providing the basis by which the NRC determined that this type of accident sequence is within our regulatory purview.

For the purposes of this response the hypothetical chemical exposure scenario is a dropped [REDACTED] containing licensed material. The definition in 10 CFR 70.4, for Hazardous Chemicals Produced from Licensed Materials states, in part, "...or substances that physically or chemically interact with licensed materials; and that are toxic, explosive, flammable, corrosive...to the extent that they can endanger life or health if not adequately controlled..." Therefore, a drop of licensed material into a corrosive substance that could produce a hazardous condition fits the definition of a, "physical interaction," and falls under NRC regulations. The existence of [REDACTED] does not exclude special nuclear material, or interactions of special nuclear material with other material or substances, from NRC authority. This definition applies to the performance requirements of 10 CFR Part 70, Section 70.61(b)(4) and (c)(4), Section 70.62(c)(ii) and (iv), as well as the Memorandum of Understanding between the NRC and OSHA, item (b), *Chemical Risks of Licensed Materials*.

This letter closes NRC action for TAC L31945.

If you have any questions regarding this matter, please contact me at (301) 415-5848 or via e-mail to [bcg@nrc.gov](mailto:bcg@nrc.gov).

[REDACTED]

L. Morrell

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Sincerely,

/RA/

William C. Gleaves, Project Manager  
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

L. Morrell

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Sincerely,

/RA/

William C. Gleaves, Project Manager  
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

**CLOSES TAC L31945**

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