

[REDACTED]

April 17, 2007

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) previously received BWX Technologies, Inc.'s (BWXT's) letter 06-043, *30-Day Report on [REDACTED] Drop*, dated March 22, 2006, regarding the January 2006 incident when [REDACTED] fell into a [REDACTED] tank filled with [REDACTED]. The NRC responded by letter dated May 17, 2006. The issues raised there pertain to whether the potential chemical exposure event raised by the January 2006 incident is subject to the performance requirements of 10 CFR 70.61.

Your letter dated August 3, 2006, and its attached analysis, focus on the related question of whether a potential splash of acid onto a worker in this situation meets the definition of "hazardous chemicals produced from licensed materials" set forth in 10 CFR 70.4. You conclude that the postulated acid splash is regulated by the Occupational Safety and Health Administration (OSHA) rather than by the NRC.

We agree that for the purpose of this discussion, the hypothetical chemical exposure scenario is a SNM [REDACTED], inadvertently dropped into an acid tank, located in your restricted area, which is being used to [REDACTED].

Your August 3, 2006 analysis assumes, without providing technical data to support the assumption, that the acid at issue is a purely chemical, non-radioactive hazard. This seems unlikely, given our understanding that the acid is regularly exposed to [REDACTED] being cleaned.

Unless [REDACTED] are always leak tight and not contaminated (and in a drop accident there is no [REDACTED] that would expose SNM to the acid) it seems reasonable to assume – in the absence of technical data to the contrary – that the acid is not a purely chemical, non-radioactive hazard. Any SNM in the acid would represent a commingling of the acid with licensed material, thus bringing the acid within the scope of the "hazardous chemicals produced from licensed materials" definition set forth in 10 CFR 70.4.

[REDACTED]

[REDACTED]

L. Morrell

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Accordingly, at this time, the NRC staff rejects your conclusion that the hazard here is regulated by OSHA rather than by the NRC. The staff concludes that this hypothetical exposure scenario falls under 10 CFR 70.61, and therefore should be subject to an integrated safety analysis as to whether the scenario constitutes an event for which IROFS and management measures are required. The NRC staff considers the event to be a credible one, given the January 2006 incident.

This letter supercedes the NRC's position in the May 17, 2006, letter and closes the NRC action for TAC number L31945.

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

[REDACTED]

Sincerely,

/RA/

William C. Gleaves, Project Manager
Fuel Manufacturing Branch
Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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

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