

[REDACTED]

May 4, 2007

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

SUBJECT: BWX TECHNOLOGIES, INC., DENIAL OF REQUEST TO SUBSTITUTE
[REDACTED] FOR BIENNIAL EMERGENCY EXERCISE
(TAC NO. L32624)

Dear Ms. Morrell:

The Nuclear Regulatory Commission (NRC) received your letter, dated March 27, 2007, requesting approval to credit the [REDACTED] drill for the required biennial emergency exercise required by 10 CFR 70.22(i)(3)(xii). Based on the review of regulatory requirements and submitted documents, and in view of the justifications made in the request, the NRC determined that granting this request would reduce the effectiveness of the Emergency Plan. Therefore, the NRC is denying this request.

If you have any questions concerning this letter, please contact Billy Gleaves of my staff by phone at (301) 415-5848, or via email to bcg@nrc.gov.

[REDACTED]

Sincerely,

/RA/

Gary S. Janosko, Deputy Director
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

Enclosure: Safety Evaluation Report

[REDACTED]

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Closed TAC No. L32597

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[REDACTED]

[REDACTED]

DOCKET: 70-27

LICENSEE: BWX Technologies, Inc.
Nuclear Products Division (NPD)
Lynchburg, VA

SUBJECT: SAFETY EVALUATION REPORT - REQUEST TO SUBSTITUTE [REDACTED]
[REDACTED] FOR BIENNIAL EMERGENCY EXERCISE

BACKGROUND

By letter dated March 27, 2007, BWX Technologies, Inc. (BWXT) submitted a letter requesting credit be given for the [REDACTED] drill [REDACTED] for the requirement to perform a biennial emergency exercise as required by 10 CFR 70.22(i)(3)(xii). In its letter, BWXT stated that historically, the Nuclear Regulatory Commission (NRC) and offsite emergency response organizations are invited to participate in a biennial full-scale exercise. [REDACTED], members of BWXT's Emergency Management Organization (EMO) assembled at the off-site Emergency Operations Center (EOC). A NRC staff-member observed those activities as being related to the requirements for the activation of the EOC during the drill. BWXT stated that the Emergency Response Organization (ERO) was not utilized [REDACTED].

BWXT stated, in its letter, that it believes that the requested credit will not decrease the effectiveness of the Emergency Plan for meeting the requirement for a biennial emergency exercise. BWXT's justification stated that, although the ERO was not utilized during the drill, the ERO does participate in other exercises [REDACTED]. BWXT also stated that during the [REDACTED] exercises, the NRC's Resident Inspector and visiting Regional inspectors periodically observe the [REDACTED] exercises. BWXT stated that the effect of granting this request will help to reduce production interruptions while maintaining an effective Emergency Plan. The request notes that the regulations do not require participation by offsite response organizations, but the NRC notes that BWXT's Emergency Plan does require such participation.

DISCUSSION

The staff has reviewed the regulatory requirements and the justifications given in BWXT's request, and is providing the following analyses:

Part I, Section 0.1, Definitions, of the BWXT Emergency Plan states: "Exercise - a drill in which the offsite emergency response organizations are invited to participate."

Part I, Section 4.3 of the BWXT Emergency Plan states: "Biennially a full-scale exercise shall be conducted. The NRC and offsite emergency response organizations [REDACTED] shall be invited to participate."

[REDACTED]

Enclosure

[REDACTED]

The term "Full-Scale or Full Participation," when used in conjunction with emergency preparedness, implies an exercise which tests the integrated capability of the major portions of the Emergency Plan [REDACTED]

[REDACTED] did not include any participation by any offsite organizations. In addition, the [REDACTED] drills to which BWXT refers, are strictly drills involving the onsite organization. [REDACTED] did not, in fact, include a full test of the BWXT onsite emergency organization. The only participants were the EMO staff, who report to the Emergency Operations Center. There was no participation by the ERO, which responds to the incident scene. [REDACTED] would not meet the criteria, as implied, for a full scale exercise.

The argument that participation in [REDACTED] drills is sufficient, in lieu of the Emergency Exercise, is not justifiable in that the [REDACTED] drills only involve an onsite organization with no offsite participants, and generally, the NRC Resident Inspector observes only a small component of the response, but not the total integrated response. The [REDACTED] drills are excellent training tools, but are not to be considered substitutable for a biennial exercise. If this request was granted, the State, local hospital, or other groups would not have an opportunity to participate in an exercise for two years. The NRC views this as a weakening in the effectiveness of the Emergency Plan in regard to offsite participation.

CONCLUSION

Based on the review of regulatory requirements and submitted documents, and in view of the justifications made in the request, the NRC determined that granting this request would reduce the effectiveness of the Emergency Plan. Therefore, the NRC should not approve this request.

The Region II inspection staff has no objection to this conclusion.

PRINCIPAL CONTRIBUTOR

Alphonsa Gooden, RGN2