

September 5, 2008

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

SUBJECT: ACCEPTANCE OF BWX TECHNOLOGIES, INC.'S EMERGENCY PLAN FOR
REVIEW (TAC L32693)

Dear Mr. Cole:

The U.S. Nuclear Regulatory Commission (NRC) has received BWX Technologies, Inc.'s (BWXT) Nuclear Operations Division Emergency Plan, Rev. 20, dated May 30, 2008 (herein after referred to as the Plan). In BWXT's letter dated August 8, 2008, BWXT stated that it revised the current Plan in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Section 70.32(i) and that the revision does not reduce the effectiveness of the Plan.

The NRC staff has completed its acceptance review of the Plan and has determined that the submittal is complete and therefore, the NRC staff will begin its formal technical review to verify that the changes do not reduce the effectiveness of the Plan. The review of the Plan has been assigned Technical Assignment Control (TAC) No. L32693. Please, reference this TAC number in any future correspondence associated with this action. Also, please, note that the complete technical review may identify omissions in the submittal information or additional technical issues which will require additional information.

Based on NRC's acceptance review and projection of current review schedules, the NRC staff anticipates completing the technical review by December 2008. This date could change depending on the findings of our technical review, urgent assignments, or other factors. NRC will promptly communicate any significant changes to this schedule.

In BWXT's letter dated August 8, 2008, BWXT requested that NRC destroy the existing Plan or return it to BWXT. After NRC has completed its technical review of Revision 20 of the Plan and has resolved any issues through NRC's Request for Additional Information process, NRC will then honor BWXT's request. Subsequent to the NRC verifying that the changes to the Plan do not reduce the effectiveness of the Plan, special nuclear materials license number SNM-42 will be updated, to reflect the new revision, the next time the license is amended. In addition, BWXT stated that the Plan and the list of changes with justifications are "...Official Use Only" documents because they contain data that has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need the information to perform their jobs or other Department of Energy-authorized activities, and therefore should be withheld from the public disclosure."

The NRC staff withholds Emergency Plans from public disclosure under its Security Related Sensitive Unclassified Non-safeguards Information (SUNSI) Policy.¹ Revision 20 of the Plan will not be made available to the public in accordance with the NRC's SUNSI Policy. Licensees should properly mark each document containing SUNSI in accordance with the guidance in NRC's Regulatory Issue Summary (RIS) 2005-31, "Control of Security Related Sensitive Unclassified Non-safeguards Information by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material" (ML053480073). The Plan and associated list of changes should have been portion marked (as appropriate) and the top and bottom of each page should have been marked as "Security – Related Information – Withhold Under 2.390." NRC encourages BWXT to review RIS 2005-31 for all future submittals.

In addition, a copy of the Plan and associated list of changes has been forwarded to the License Fee and Accounts Receivable Branch, Office of the Chief Financial Officer, who will contact BWXT separately for billing, as the review is subject to full cost fee recovery.

If you have any questions regarding this letter, please contact me at 301-492-3225 or via e-mail to amy.snyder@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's 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/

Amy M. Snyder, Senior Project Manager
Fuel Facilities Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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

¹ SUNSI means any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the NRC and other Federal programs, the commercial or financial interests of the entity or individual, or the personal privacy of individuals.

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Sincerely,

/RA/

Amy M. Snyder, Senior Project Manager
 Fuel Facilities 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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