

Action Items from December 17, 2007 BWXT/NRC Meeting:

BWXT is to supplement its November 14, 2007 application request and submit the following to the NRC:

(BWXT reply in blue)

- A request for transfer of control of special nuclear materials license No. SNM-42 from BWXT to B&W NOG; B&W NOG must be incorporated.  
BWXT respectfully requests a telephone conference between appropriate NRC legal and financial staff and appropriate McDermott/BWXT legal and financial staff to discuss this issue.
- a Performa Table (with four years of data) with an associated affidavit to NRC. BWXT must provide the originals with signature to NRC;  
These documents were sent under separate letter, BWXT Document No. 08-004, mailed January 8, 2008.
- a Financial Balance Sheet (most recent year) with an associated affidavit to NRC (BWXT must provide the originals with signature to the NRC. also the header on Performa Table and Balance Sheet must match- the ones that were sent to us in December 2007 did not match and we cannot make assumptions and compare apples to oranges);  
These documents were sent under separate letter, BWXT Document No. 08-004, mailed January 8, 2008.
- a Letter of credit in the new corporation's name (B&W NOG) based on its selected method of certification of financial assurance for decommissioning per 70.25(f) (your cover letter states that the Letter of Credit will be amended to add B&W NOG, Inc., as the guarantor under the BWXT credit and once the Letter of credit is amended, an executed copy of the amendment will be forwarded to the NRC.- as Mary Adams and I explained on two different occasions in December 2007, NRC does not find this acceptable if the new entity does not yet exist. Please clarify when B&W NOG will be incorporated so that we can evaluate this further :  
BWXT respectfully requests a telephone conference between appropriate NRC legal and financial staff and appropriate McDermott/BWXT legal and financial staff to discuss this issue.
- a Standby Trust Agreement in the new corporation's name (B&W NOG) based on its selected method of certification of financial assurance for decommissioning per 70.25(f) (your cover letter states that a draft standby trust agreement is enclosed and once it is executed- it will be forwarded to NRC. BWXT must understand that we cannot complete the licensing action until we get the Standby Trust, evaluate it and find it acceptable. Who is the Standby Trustee? When we NRC receive the final? NRC recommended that BWXT provide a draft to NRC so that we could start our technical evaluation.  
The cover letter, 08-003, stated that a draft standby trust agreement would be sent under a separate submittal (please see Page 3, last paragraph, next to last sentence). However, BWXT respectfully requests a telephone conference between appropriate NRC legal and financial staff and appropriate McDermott/BWXT legal and financial staff to discuss this issue.
- a new or revised financial contractual agreement with DOE regarding decommissioning financial assurance for NR fuel. (NRC will accept a bridge letter that specifies the date when the signed contract will be completed. Also,

request an exemption from 70.25 (f) to use such a financial instrument); (Your cover letter states see enclosure 3 and requests that NRC allow the continued use of the agreement with DOE. It is important to understand that the Agreement may eventually have to be in the new entity's name- For now it may just be okay as a "bridge letter" to start the technical review. I need to review it and get back with you.)

I apologize that the faxed copy is missing Enclosure 3 which contains this document. We are faxing Enclosure 3 again to you. The FEDEX copy should contain all paperwork. Thank you for being willing to review and get back with me.

- a brief discussion of status of COCs and Export License Amendment

I am not sure what the NRC expectation is for the COCs. May we discuss this during the telephone conference? The Export License Amendment is being held by the NRC per BWXT's request pending the approval of the changes to the SNM-42 license.

- the legal contact information for incorporation in the Federal Register Notice providing an opportunity for hearing (need mail addressing and email to include in the Fed Reg Notice), and

The cover letter listed Beth Colling as the legal contact for the submittal. Her address is:

Beth Colling, MC-57  
2016 Mt. Athos Rd.  
Lynchburg, VA 24504-5447  
Email: [REDACTED]

- as applicable, 10 CFR 2.390 requests with rationale.