

**Amy Snyder - FW: NRC Request for License Transfer**

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**From:** "Cole, Barry L." [REDACTED]  
**To:** "Amy Snyder" <AMS3@nrc.gov>  
**Date:** 01/14/2008 2:39 PM  
**Subject:** FW: NRC Request for License Transfer

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Amy,

Please consider the explanation below for why we send requests for amendments to the LOC and STA rather than having new documents.

Thanks,

Barry

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**From:** Howard, Stephen  
**Sent:** Monday, January 14, 2008 2:23 PM  
**To:** Cole, Barry L.  
**Cc:** Yates, Carl R.; Sebolt, Charles F. (Chuck); Colling, M. B. (Beth); Ward, David C.; Wise, Catherine  
**Subject:** NRC Request for License Transfer

Barry,

A draft letter of credit implies a new letter of credit will be issued. We are proposing an amendment to the current (fully operative letter of credit). The mechanics of an amendment are not dissimilar to the amendment of any contract. The contracting parties do not write a new contract. They simply draft a separate amendment which (when merged with the existing contract) makes the original contract operative pursuant to the amended terms. If a draft of a new letter of credit is to be prepared, we first need the NRC's acknowledgement that, prior to issuance of the new letter of credit, the current letter of credit will be surrendered in original form for cancellation. We cannot issue a new letter of credit while the current letter of credit is operative. This would result in the NRC holding two operative letters of credit. The company's policy is that such an action would be an imprudent use of our credit lines, a needless multiplication of fees, and an unwarranted risk position. The amendment is so minor that we fail to see how either party would benefit from the issuance of a new letter of credit. The letter of credit amendment will be prepared by the Issuing Bank, Calyon, for signature approval by the NRC. Only then will the amendment become operative.

Likewise, the amendment to the existing (and fully operative) Standby Trust Agreement is so very minor in nature that a new Agreement is wholly unwarranted. Such amendment will become operative only upon the signature of Citibank, NRC, and BWXT. The amendment will be prepared by Citibank's attorneys.

We strongly encourage the NRC to proceed with amendments to both instruments as the most expedient solution in the best interest of all concerned.

Sincerely,

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Stephen C. Howard

Assistant Treasurer

McDermott International, Inc.

(phone) [REDACTED]

(cell) [REDACTED]

**From:** Cole, Barry L.

**Sent:** Monday, January 14, 2008 11:51 AM

**To:** Howard, Stephen

**Cc:** Yates, Carl R.; Seabolt, Charles F. (Chuck); Colling, M. B. (Beth); Ward, David C.; Wise, Catherine

**Subject:** NRC Request for License Transfer

Reference: BWXT Submittal to the NRC for transfer of License SNM-42 to B&W NOG

Mr. Howard,

BWXT has submitted copies of the requests for amendments to the current BWXT Letter of Credit (LOC) and Standby Trust Agreement (STA) to the NRC for transfer of SNM-42 to B&W NOG. The NRC, today, has asked if BWXT can provide a draft LOC and STA in lieu of the amendment requests. I explained that the amendment requests were how McDermott has historically handled revisions to these documents. Would you provide a brief explanation on why McDermott provides amendment requests to these documents rather than drafting new documents, or if I have misunderstood this, could you provide a draft LOC and STA for their review, and when can these documents be provided to me? The NRC project manager has requested a response by 2PM EST.

Thank you for your prompt consideration in this matter,

Barry

[REDACTED]

**Mail Envelope Properties** (478BBA56.482 : 5 : 21634)

**Subject:** FW: NRC Request for License Transfer.  
**Creation Date** 01/14/2008 2:38:24 PM  
**From:** "Cole, Barry L." <[blcole@babcock.com](mailto:blcole@babcock.com)>  
**Created By:** [blcole@babcock.com](mailto:blcole@babcock.com)

**Recipients**

nrc.gov  
EBGWPO01.HQGWDO01  
AMS3 (Amy Snyder)

**Post Office**

EBGWPO01.HQGWDO01

**Route**

nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	4201	01/14/2008 2:38:24 PM
TEXT.htm	9371	
Mime.822	17457	

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**Reply Requested:** No  
**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard

**Junk Mail Handling Evaluation Results**

Message is eligible for Junk Mail handling  
This message was not classified as Junk Mail

**Junk Mail settings when this message was delivered**

Junk Mail handling disabled by User  
Junk Mail handling disabled by Administrator  
Junk List is not enabled  
Junk Mail using personal address books is not enabled  
Block List is not enabled