

November 12, 2008

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

SUBJECT: ORDER APPROVING TRANSFER OF MATERIALS LICENSE NO. SNM-42
FROM BWX TECHNOLOGIES, INC. TO BABCOCK & WILCOX NUCLEAR
OPERATIONS GROUP, INC. (TAC No. L32657)

Dear Mr. Cole:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Order approving the direct transfer of control of the identified BWX Technologies, (BWXT) Inc. license to Babcock & Wilcox Nuclear Operations Group, (B&W NOG) Inc., and approving the conforming license amendment which replaces references to BWXT Inc. – Nuclear Products Division in the license with references to B&W NOG Inc. to reflect the direct transfer of the license. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 70, NRC will amend Materials License SNM-42 to change the name of the licensee from BWXT Inc. to B&W NOG, Inc. when all transfer actions are completed pursuant to the Order.

The Order approves your request for exemption from 10 CFR 70.25(e), “cost estimate requirements in decommissioning funding plans,” and 10 CFR 70.25(f), “required methods of providing financial assurance for decommissioning.”

Enclosed is (1) the Order documenting the NRC’s approval of the transfer of SNM-42 to B&W NOG, Inc., (2) the Safety Evaluation Report (SER) documenting the staff’s findings, (3) revised Materials License SNM-42 (non-sensitive version), and (4) revised Materials License SNM-42 (sensitive version) which will be issued and made effective at the time the transfers are consummated in accordance with the Order.

By this letter, TAC L32657 is closed.

If you have any questions regarding this matter, please contact Merritt N. Baker of my staff at (301) 492-3128, or via e-mail to Merritt.Baker@nrc.gov.

In accordance with 10 CFR 2.390 of NRC's Rules of Practice, a copy of this letter and Enclosures 1, 2, and 3 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/NRC/ADAMS/index.html> (the Public Electronic Reading Room). Enclosure 4 contains security-related information and will be withheld from the public.

Sincerely,

/RA/

Michael Tschiltz, 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, Amendment 3

Enclosures:

1. Order Approving the Transfer of License SNM-42
2. Safety Evaluation Report for SNM-42
3. Amendment 3 to SNM-42 (non-sensitive version)
4. Amendment 3 to SNM-42 (sensitive version)

cc w/enclosures:

Leslie P. Foldesi, CHP
Bureau of Radiological Health
Division of Health Hazards Control
Department of Health
109 Governor Street
Richmond, VA 23219

Thomas Henderson
Virginia Department of Quality
South Central Regional Office
7705 Timberlake Road
Lynchburg, VA 24502

DOE/NR

If you have any questions regarding this matter, please contact Merritt N. Baker of my staff at (301) 492-3128, or via e-mail to Merritt.Baker@nrc.gov.

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/RA/

Michael Tschiltz, Deputy Director
Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety
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cc w/enclosures:

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