

71-0249



**Nuclear Fuel Services, Inc.**  
1205 Banner Hill Road  
P.O. Box 337, MS 123  
Erwin, TN 37650  
[www.nuclearfuelservices.com](http://www.nuclearfuelservices.com)

(423) 743-9141

21G-08-0164

GOV-01-55-04

ACF-08-0312

October 9, 2008

Mr. David W. Pstrak, Chief  
Rules, Inspections, and Operations Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

- References:
- 1) Docket No. 71-0249, Quality Assurance Program Approval No. 0249
  - 2) Application for NRC Consent to the Indirect Transfer of Control of NFS' License and Quality Assurance Program Approval, and Request for NRC Approval of a License Amendment to Effectuate Such Transfer, dated August 8, 2008 (21G-08-0113) (TAC L32692)
  - 3) Letter dated September 3, 2008, from D. W. Pstrak to W. D. Nash, Quality Assurance Program, Approval for Radioactive Material Packages No. 0249, Revision 11
  - 4) Letter dated September 16, 2008, from K. M. Ramsey to B. M. Moore, Acceptance for Review of NFS Application for Consent to Indirect Transfer of Control (TAC L32692)

**Subject: Request for Quality Assurance Program Approval No. 0249, Revision 11, to be Rescinded**

Dear Mr. Pstrak:

In Reference 2, Nuclear Fuel Services, Inc. (NFS) requested that the NRC *consent to the indirect transfer of control* of the NFS SNM license and its Quality Assurance Program Approval (Reference 1) from NFS Services, LLC, to NOG-Erwin Holdings, Inc., effective upon the closing on or about December 15, 2008, of such a "Transaction." This Transaction involves a stock purchase and sale agreement between the two aforementioned entities and does not result in a transfer of the NFS licensing documents. Both the SNM license and the Quality Assurance Program Approval will remain under the direct control of NFS, which will continue to operate under the same name. Thus, as noted in the August 8, 2008, letter from NFS, no changes are needed at this time to the Quality Assurance Program Approval document as a result of this Transaction.

Enclosure 1 is a copy of Revision 10 of the Quality Assurance Program Approval issued to NFS on March 26, 2008. The information in Block No. 2 regarding NFS is still correct and will continue to be the same after the Transaction is approved and closed. Therefore, NFS respectfully requests that

NM5501

Revision 11 issued on September 3, 2008 (Reference 3) to Babcock and Wilcox Nuclear Operations Group, Inc., in Lynchburg, Virginia, be rescinded. The original document was forwarded from that facility to NFS and is provided as Enclosure 2. Again, NFS will remain the holder of Quality Assurance Program Approval No. 0249 and will control the activities conducted under that document. Reinstatement of Revision 10 is hereby requested by NFS. Similarities between the Nuclear Fuel Services, Inc., name and the NFS Services, LLC, name may have contributed to this misunderstanding.

Though no change to Revision 10 is needed at this time, it is NFS' understanding from Reference 4 that *consent to the indirect transfer of control* of the Quality Assurance Program Approval document is still required from your Division. Please contact Mr. Kevin Ramsey, Senior Project Manager, Fuel Facilities Licensing Directorate, FCSS, NMSS, if you have any questions regarding that process. Mr. Ramsey has the lead for reviewing Reference 2 with respect to the NFS SNM license.

If you or your staff have any questions, require additional information, or wish to discuss this, please contact me, or Mr. Rik Droke, Licensing and Compliance Director, at (423) 743-1741. Please reference our unique document identification number (21G-08-0164) in any correspondence concerning this letter.

Sincerely,

**NUCLEAR FUEL SERVICES, INC.**



B. Marie Moore  
Vice President, Safety and Regulatory

RPD/pdj  
Enclosures

Copy:  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region II  
Atlanta Federal Center  
61 Forsyth Street, SW  
Suite 23T85  
Atlanta, GA 30303

Mr. Manuel Crespo  
Project Inspector  
U.S. Nuclear Regulatory Commission  
Region II  
Atlanta Federal Center  
61 Forsyth Street, SW  
Suite 23T85  
Atlanta, GA 30303

Mr. Kevin Ramsey, Project Manager  
Fuel Manufacturing Branch, FCSS, NMSS  
US Nuclear Regulatory Commission  
Washington, DC 20555

Mr. Stephen Burris  
Senior Resident Inspector  
U.S. Nuclear Regulatory Commission

21G-08-0164  
GOV-01-55-04  
ACF-08-0312

Enclosure 1

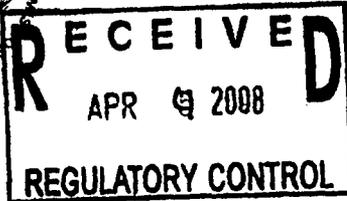
**Quality Assurance Program Approval  
for Radioactive Material Packages No. 0249, Revision 10**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

15N080085  
GOV015504  
PKG 0249  
REV 10

Dist: RLB PNB RPD  
DBF TEL BAM BMM JWP  
CLB M.Ledford



March 26, 2008

Ms. B. Marie Moore  
Vice President, Safety and Regulatory  
Nuclear Fuel Services, Inc.  
1205 Banner Hill Road  
Erwin, TN 37650

SUBJECT: QUALITY ASSURANCE PROGRAM APPROVAL FOR RADIOACTIVE  
MATERIAL PACKAGES NO. 0249, REVISION 10

Dear Ms. Moore:

Enclosed is the review of your re-submittal dated February 15, 2008, of your Quality Assurance (QA) Program Approval for Radioactive Material Packages No. 0249, Revision 10. This Approval satisfies the requirements of 10 CFR 71.17(b) and 71.101(c) for a QA Program approved by the U.S. Nuclear Regulatory Commission (NRC).

This Approval will remain in effect until the expiration date, indicated in Block No. 3. Termination of your materials license does not cause this Approval to be automatically terminated. If you wish to renew, amend, or terminate this Approval, please request it in writing.

This letter also serves as a reminder that if you are using or planning to use an NRC-approved packaging, you must be registered for use of that packaging with NRC. Registration for use of NRC-approved packagings should be made pursuant to 10 CFR 71.17(c)(3).

If you have any questions, please contact me at 301-492-3299 or Frank Gee at 301-492-3329.

Sincerely,

David W. Pstrak, Chief  
Rules, Inspections, and Operations Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 71-0249

Enclosure: QA Program Approval No. 71-0249, Revision 10

**QUALITY ASSURANCE PROGRAM APPROVAL  
FOR RADIOACTIVE MATERIAL PACKAGES**

1. APPROVAL NUMBER

0249

REVISION NUMBER

10

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Title 10, Code of Federal Regulations, Chapter 1, Part 71, and in reliance on statements and representations heretofore made in Item 5 by the organization named in Item 2, the Quality Assurance Program identified in Item 5 is hereby approved. This approval is issued to satisfy the requirements of Section 71.101 of 10 CFR Part 71. This approval is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

2. NAME

Nuclear Fuel Services, Inc.

STREET ADDRESS

1205 Banner Hill Road

CITY

Erwin

STATE

TN

ZIP CODE

37650

3. EXPIRATION DATE

April 30, 2018

4. DOCKET NUMBER

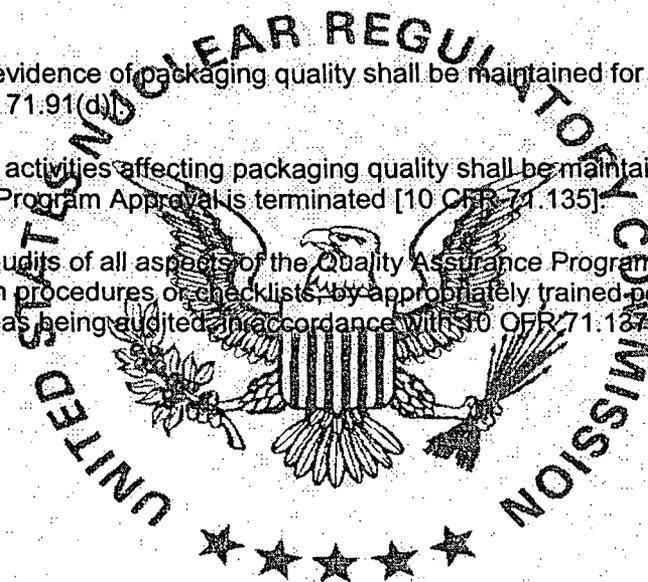
71-0249

5. QUALITY ASSURANCE PROGRAM APPLICATION DATE(S)

December 10, 1998; December 7, 2000; May 16, 2003; June 30, 2005; and February 15, 2008

6. CONDITIONS

1. Activities conducted regarding transportation packagings are to be executed under applicable criteria of 10 CFR Part 71, Subpart H. Authorized activities include: design, procurement, fabrication, assembly, testing, modification, maintenance, repair, and use of transportation packagings.
2. Records shall be maintained in accordance with the provisions of 10 CFR Part 71. Specifically:
  - a. Records of each shipment of licensed material shall be maintained for 3 years after that shipment [10 CFR 71.91(a)].
  - b. Records providing evidence of packaging quality shall be maintained for 3 years after the life of the packaging [10 CFR 71.91(d)].
  - c. Records describing activities affecting packaging quality shall be maintained for 3 years after this Quality Assurance Program Approval is terminated [10 CFR 71.135].
3. Planned and periodic audits of all aspects of the Quality Assurance Program shall be conducted in accordance with written procedures or checklists by appropriately trained personnel not having direct responsibility in the areas being audited in accordance with 10 CFR 71.137.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

SIGNATURE

*David W. Pstrak*

DATE

3/26/2008

DAVID W. PSTRAK, CHIEF  
RULES, INSPECTIONS, AND OPERATIONS BRANCH  
DIVISION OF SPENT FUEL STORAGE AND TRANSPORTATION  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

21G-08-0164  
GOV-01-55-04  
ACF-08-0312

Enclosure 2

**Nuclear Fuel Services, Inc. – Application for Consent  
to an Indirect Change of Control with Respect to  
Quality Assurance Program,  
Approval for Radioactive Material Packages No. 0249, Revision 11**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 3, 2008

Mr. Winfred D. Nash  
President  
Babcock and Wilcox Nuclear Operations Group, Inc.  
2016 Mt. Athos Road  
Lynchburg, VA 24505-5447

SUBJECT: NUCLEAR FUEL SERVICES, INC. -- APPLICATION FOR CONSENT TO AN  
INDIRECT CHANGE OF CONTROL WITH RESPECT TO QUALITY  
ASSURANCE PROGRAM, APPROVAL FOR RADIOACTIVE MATERIAL  
PACKAGES NO. 0249, REVISION 11

Dear Mr. Nash:

Enclosed is the review and approval of your request submittals dated July 28 and August 8, 2008, of your application for the U. S. Nuclear Regulatory Commission (NRC) consent to the indirect transfer of control of Nuclear Fuel Services, Inc. (NFS) Quality Assurance (QA) Program Approval for Radioactive Material Packages No. 0249. Revision 11. This Approval satisfies the requirements of 10 CFR 71.17(b) and 71.101(c) for a QA Program approved by the NRC.

This Approval will remain in effect until the expiration date, indicated in Block No. 3. Termination of your materials license does not cause this Approval to be automatically terminated. If you wish to renew, amend, or terminate this Approval, please request it in writing.

This letter also serves as a reminder that if you are using or planning to use an NRC-approved packaging, you must be registered for use of that packaging with NRC. Registration for use of NRC-approved packagings should be made pursuant to 10 CFR 71.17(c)(3).

If you have any questions, please contact me at 301-492-3299 or Frank Gee at 301-492-3329.

Sincerely,

A handwritten signature in cursive script, reading "David W. Pstrak".

David W. Pstrak, Chief  
Rules, Inspections, and Operations Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 71-0249

Enclosure: QA Program Approval No. 71-0249, Revision 11

**QUALITY ASSURANCE PROGRAM APPROVAL  
FOR RADIOACTIVE MATERIAL PACKAGES**

1. APPROVAL NUMBER

0249

REVISION NUMBER

11

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Title 10, Code of Federal Regulations, Chapter 1, Part 71, and in reliance on statements and representations heretofore made in Item 5 by the organization named in Item 2, the Quality Assurance Program identified in Item 5 is hereby approved. This approval is issued to satisfy the requirements of Section 71.101 of 10 CFR Part 71. This approval is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

2. NAME

Babcock and Wilcox Nuclear Operations Group, Inc.

STREET ADDRESS

2016 Mt Athos Road

CITY

Lynchburg

STATE

VA

ZIP CODE

24505-5447

3. EXPIRATION DATE

December 30, 2018

4. DOCKET NUMBER

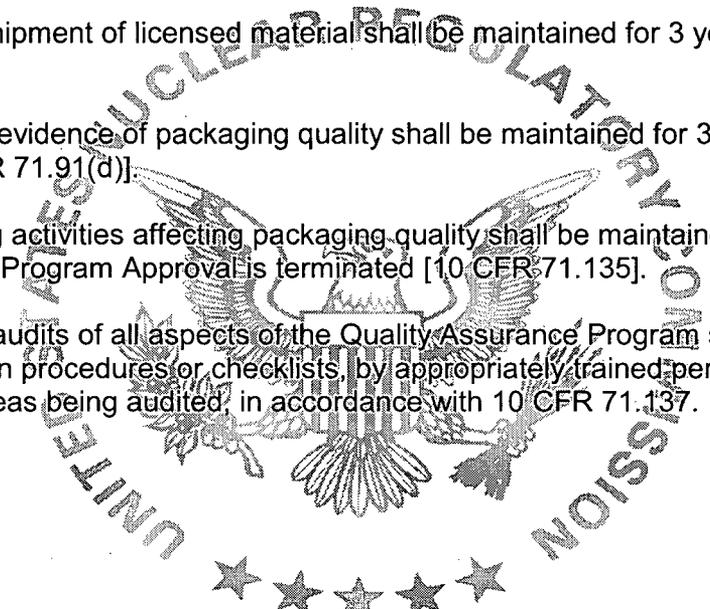
71-0249

5. QUALITY ASSURANCE PROGRAM APPLICATION DATE(S)

December 10, 1998; December 7, 2000; May 16, 2003; June 30, 2005; February 15, 2008; and August 8, 2008

6. CONDITIONS

1. Activities conducted regarding transportation packagings are to be executed under applicable criteria of 10 CFR Part 71, Subpart H. Authorized activities include: design, procurement, fabrication, assembly, testing, modification, maintenance, repair, and use of transportation packagings.
2. Records shall be maintained in accordance with the provisions of 10 CFR Part 71. Specifically:
  - a. Records of each shipment of licensed material shall be maintained for 3 years after that shipment [10 CFR 71.91(a)].
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  - c. Records describing activities affecting packaging quality shall be maintained for 3 years after this Quality Assurance Program Approval is terminated [10 CFR 71.135].
3. Planned and periodic audits of all aspects of the Quality Assurance Program shall be conducted in accordance with written procedures or checklists, by appropriately trained personnel not having direct responsibility in the areas being audited, in accordance with 10 CFR 71.137.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

SIGNATURE

*David W. Pstrak*

DATE

9/3/2008

DAVID W. PSTRAK, CHIEF  
RULES, INSPECTIONS, AND OPERATIONS BRANCH  
DIVISION OF SPENT FUEL STORAGE AND TRANSPORTATION  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS