

Amy Snyder

From: Amy Snyder
Sent: Thursday, December 18, 2008 11:19 AM
To: 'Cole, Barry L.'
Cc: Merritt Baker; Yates, Carl R.; Goff, Cheryl K.; Mary Adams; Peter Habighorst
Subject: RE: SMN-42 Amendment questions

Barry,

Please see my responses below in red.

If you have any questions, please contact me today or Mary Adams [(301) 492-3113 or mary.adams@nrc.gov] after December 18th.

Amy

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From: Cole, Barry L. [mailto:blcole@babcock.com]
Sent: Friday, December 12, 2008 2:11 PM
To: Amy Snyder
Cc: Merritt Baker; Yates, Carl R.; Goff, Cheryl K.
Subject: SMN-42 Amendment questions

Amy,

We (BWXT) have recently received SNM-42 Amendment 3 (accompanied by the Order approving transfer of ownership) and SNM-42 Amendment 4 (approving a May 28, 2008, request to amend Chapter 5 of our license application). After a close review of these amendments, we have discovered some discrepancies that you should be aware of:

1. **Amendments 3 & 4:** S-1 of the Safety Conditions lists November 6, 2007, as one of the submittal dates for Chapters 1 through 11 of the application. The actual submittal date was November 14, 2007, which was acknowledged by letter from the NRC dated December 7, 2007.

November 6, 2007 refers to BWXT's Exemption Request from 10 CFR 70.24 that was addressed earlier in the year- not the transfer of control. As far as the Transfer of Control- the following should have been placed in the amendment in Safety Condition S-1 of the license:

..., November 6, 2007, November 14, December 10, 2007, January 7 (2 letters), January 11, February 15, February 29, May 23, and June 27, 2008 and e-mails dated December 13, 2007 (2 emails), January 9, January 14, 2008."

As applicable to Amendment 4- May 28, 2008 is applicable here and BWX Technologies, Inc. is applicable because although the amendment was issued it is not effective until the transfer of control is complete via the

Order. Currently, BWXT is still the current licensee and must abide by SNM-42 to include the decommissioning financial assurance under BWXT's name.

In addition, for amendment 3, the name of the licensee in Section 1 of NRC Form 374 should have been spelled out and not abbreviated.

2. **Amendments 3 & 4:** S-1 of the Safety Conditions does not list June 28, 2008, as one of the submittal dates for Chapters 1 through 11 of the application. We submitted a revised Chapter 10 (Decommissioning) on June 28, 2008, to replace the one in the November 14, 2007, submittal. See response 1 above- the date of your submittal is June 27, 2008 not June 28, 2008. As you can see it will be listed.
3. **Amendment 4:** the licensee is listed as BWX Technologies, Inc. Nuclear Products Division even though the cover letter states "It is noted that the new owner name B&W NOG appears in the amended text." The reference to B&W NOG refers to the fact that BWXT used "B&W NOG" instead of "BWXT" throughout the text of the update to Chapter 5. It is not referring to the Section 1 of NRC Form 374.

Please advise as to how the NRC will handle these discrepancies.

When the transfer of control is complete- all the necessary information in the Order has been submitted by B&W NOG and reviewed and considered acceptable to the NRC staff, then we plan on issuing Amendment 5 which will correct all the administrative errors from Amendment 3 and 4.

Best Regards,

Barry Cole
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BWX Technologies, Inc.
Nuclear Products Division
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