

Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Tel: 202.739.3000  
Fax: 202.739.3001  
www.morganlewis.com

**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

**Donald J. Silverman**  
Partner  
202.739.5502  
dsilverman@MorganLewis.com

July 27, 2010

***SERVED VIA NRC ELECTRONIC INFORMATION EXCHANGE***

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Re: Babcock & Wilcox Nuclear Operations Group, Inc.  
Lynchburg, VA.  
NRC License No. SNM-42; EA-08-204  
Order Imposing Civil Monetary Penalty, Docket No. 70-27 EA  
**Request for Hearing**

Dear Sir or Madam:

By Order Imposing Civil Monetary Penalty, dated June 15, 2010, the U.S. Nuclear Regulatory Commission (NRC) imposed on Babcock & Wilcox Nuclear Operations Group, Inc. ("Licensee" or "B&W") a civil penalty in the amount of \$32,500.00 for violations described in an Appendix to the Order. The Order further provided that the Licensee could request a hearing within 20 days of its publication in the *Federal Register*; the Order was published on June 23, 2010 (75 Fed. Reg. 35846).

As permitted by the Order, the Licensee, by letter dated July 2, 2010, requested that the Director, Office of Enforcement (OE) grant a 90-day extension of time in which to request a hearing, until October 11, 2010, to enable the Licensee and NRC Staff to resolve this matter without resort to an adjudicatory hearing. By letter dated July 9, 2010, the Director, OE, granted a 16-day extension, until July 29, 2010, in which to request a hearing.

Accordingly, as provided by the Order and 10 C.F.R. § 2.205, as well as the extension of time granted by the Director, OE, the Licensee hereby requests a hearing. As confirmed through discussions with the Assistant General Counsel for Materials Litigation and Enforcement on July 12, 2010, this request is filed in keeping with the requirements of 10 C.F.R. § 2.205(d),

Office of the Secretary  
July 27, 2010  
Page 2

**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

notwithstanding reference in the Order to 10 C.F.R. § 2.202. In addition, notice of B&W's intention to request a hearing was provided to the Office of the Secretary on July 19, 2010.

Please direct all communications related to this hearing request to Mr. Donald J. Silverman and Mr. Lawrence J. Chandler, at the same address, as counsel for the Licensee, as well as to Mr. Barry L. Cole, Manager, Licensing & Safety Analysis, Babcock & Wilcox Nuclear Operations Group - Lynchburg, P.O. Box 785, Lynchburg, VA 24505-0785. Notices of Appearance for Mr. Chandler and the undersigned are enclosed. Both Mr. Chandler and I have NRC-issued digital certificates and, on July 19, 2010, advised the Office of the Secretary of the Licensee's intent to request a hearing.

Sincerely,

Donald J. Silverman  
*Counsel for B&W*

cc: R. P. Zimmerman, NRC OE  
J. R. Wray, NRC OE  
C. L. Scott, NRC OGC  
M. L. Barkman, NRC OGC  
D. Ward, B&W  
B. Cole, B&W  
N. Whitten, B&W

DB1/65160999.1

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 70-27 EA
	)	
BABCOCK & WILCOX NUCLEAR OPERATIONS GROUP, INC.	)	July 27, 2010
	)	
(License No. SNM-42, Order Imposing Civil Monetary Penalty, EA-08-204)	)	
	)	

**NOTICE OF APPEARANCE OF DONALD J. SILVERMAN**

The undersigned, being an attorney at law in good standing admitted to practice before the courts of the District of Columbia, hereby enters his appearance in the above-captioned matter as counsel for Babcock & Wilcox Nuclear Operations Group, Inc. (B&W).

Respectfully submitted,

Signed (electronically) by Donald J. Silverman  
Donald J. Silverman, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Phone: 202-739-5502  
Email: [dsilverman@morganlewis.com](mailto:dsilverman@morganlewis.com)

*Counsel for B&W*

Dated in Washington, D.C.  
this 27th day of July 2010

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 70-27 EA
	)	
BABCOCK & WILCOX NUCLEAR OPERATIONS GROUP, INC.	)	July 27, 2010
	)	
(License No. SNM-42, Order Imposing Civil Monetary Penalty, EA-08-204)	)	
	)	

**NOTICE OF APPEARANCE OF LAWRENCE J. CHANDLER**

The undersigned, being an attorney at law in good standing admitted to practice before the courts of the District of Columbia, hereby enters his appearance in the above-captioned matter as counsel for Babcock & Wilcox Nuclear Operations Group, Inc. (B&W).

Respectfully submitted,

Executed in accord with 10 C.F.R. §2.304(d)  
Lawrence J. Chandler, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Phone: 202-739-5780  
Email: [lchandler@morganlewis.com](mailto:lchandler@morganlewis.com)

*Counsel for B&W*

Dated in Washington, D.C.  
this 27th day of July 2010