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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),

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

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)	Docket No. 70-27 EA
)	
BABCOCK & WILCOX NUCLEAR)	July 27, 2010
OPERATIONS GROUP, INC.)	
)	
(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

Counsel for B&W

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

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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In the Matter of)	Docket No. 70-27 EA
)	
BABCOCK & WILCOX NUCLEAR)	July 27, 2010
OPERATIONS GROUP, INC.)	
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(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.
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1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-5780
Email: lchandler@morganlewis.com

Counsel for B&W

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