

February 9, 2012

Mr. Barry L. Cole
Licensing Officer
Babcock & Wilcox Nuclear Operations
Group, Inc.
2016 Mount Athos Road
Lynchburg, VA 24504

SUBJECT: AMENDMENT 12 TO LICENSE SNM-42, CHAPTER 10 (TAC L32924)

Dear Mr. Cole:

On November 30, 2009, Babcock & Wilcox Nuclear Operations Group, Inc., (B&W NOG) submitted Letter 09-118 requesting an amendment to Chapter 10 of the license application for materials license SNM-42. This letter included revised text for Chapter 10, as well as contractual information between B&W NOG and the U.S. Department of Energy. On December 4, 2009, B&W NOG furnished Letter 09-133 with amended financial assurance documents. In Letter 10-099 dated September 14, 2010, B&W NOG submitted a response to the U.S. Nuclear Regulatory Commission (NRC's) Request for Additional Information dated July 16, 2010.

The U.S. Nuclear Regulatory Commission's (NRC's) staff determined that the changes were properly submitted, and reasonable assurance of compliance has been demonstrated.

Pursuant to Part 70 to Title 10 of the *Code of Federal Regulations* (10 CFR), Materials License SNM-42 is hereby amended to include the revised text in Chapter 10. Safety Condition S-1 has been revised to include the dates of November 30, 2009 (original request), December 4, 2009 (supplemental documents), and September 14, 2010 (response to Request for Additional Information).

In a separate action Condition S-2 has been revised to reflect Revision 23 of the Radiological Contingency and Emergency Plan dated June 1, 2011, based on the December 14, 2011, letter from the NRC letter, Agencywide Documents Access and Management System (ADAMS) ML113480036, which approved Revision 23.

All other conditions of the license shall remain the same.

By approval of this amendment, TAC L32924 is **closed**.

In accordance with 10 CFR 2.390(d) of the NRC's "Rules of Practice," this letter and Enclosures 1 and 3 will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of NRC's ADAMS document system. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Enclosure 2 will be withheld from the public in accordance with 10 CFR 2.390(d).

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

Sincerely,

/RA/

Robert K. Johnson, Chief
Fuel Manufacturing Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-27
License No. SNM-42

Enclosures:

1. Amendment 11 to Materials License SNM-42 (Public version)
2. Amendment 11 to Materials License SNM-42 (Non-Public version)
3. Safety Evaluation Report (Public)

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

Sincerely,

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