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## Babcock & Wilcox

a McDermott company

1010 Common Street  
New Orleans, Louisiana 70112-2401

February 26, 1993

P. O. Box 61038  
New Orleans, Louisiana 70161-1038  
(504) 587-5700  
Fax: (504) 587-6153  
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### CERTIFIED MAIL

P 342 552 148

Top Hat Plan Exemption  
Pension and Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Avenue N.W.  
Washington, D.C. 20210

Dear Sir or Madam:

This is to advise that The Babcock & Wilcox Company has established a Restoration of Retirement Income Plan effective December 1, 1992 for the purpose of providing benefits for a select group of highly compensated employees in excess of the limitations on includable compensation imposed on defined benefit plans by Internal Revenue Code Section 401(a)(17). Pursuant to 29 CFR 2520.104-23, the following statement is submitted in connection with the establishment of the Plan:

1. Name and Address of Employer:

The Babcock & Wilcox Company  
1010 Common Street  
P.O. Box 61038  
New Orleans, LA 70161

2. Employer Identification Number:

13-2933685

3. Declaration:

The Company maintains the Restoration of Retirement Plan as an unfunded plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

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4. Number of Plans: (1)
5. Number of Employees: (5)

In addition, the Plan Administrator will provide all plan documents to the Secretary of Labor upon request as required by Section 104(a)(1) of ERISA.

FOR THE RETIREMENT BOARD,  
PLAN ADMINISTRATOR OF THE  
RESTORATION OF RETIREMENT PLAN

By: R. E. Woolbert  
R. E. Woolbert, Member

RLW:pwb

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MAR 8 1993  
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