

February 17, 2006

Mr. Dealis W. Gwyn, Licensing Manager  
Duke Cogema Stone & Webster  
P.O. Box 31847  
Charlotte, NC 28231-1847

SUBJECT: REQUEST FOR CONSENT OF TRANSFER OF CONTROL OF CONSTRUCTION  
AUTHORIZATION FOR MIXED OXIDE FUEL FABRICATION FACILITY

Dear Mr. Gwyn:

In a letter dated January 27, 2006, Duke Cogema Stone and Webster (DCS) requested NRC's consent for transfer of control of the Construction Authorization or for a determination that NRC's consent was not necessary for the Mixed Oxide Fuel Fabrication Facility (MFFF). Your letter indicated that DCS would remain the licensee and retain direction and control of activities conducted under the Construction Authorization.

The staff has reviewed the Construction Authorization Request (CAR), the Final Safety Evaluation Report (FSER), and other documents supporting the Construction Authorization and has concluded that ownership to the extent affected by the indirect transfer proposed in your January 27, 2006 letter was not the basis for approving the CAR for the MFFF. The staff's basis for approval, as documented in the FSER, does not rely on the ownership information in question.

We have reviewed the submitted information concerning ownership changes relative to the Construction Authorization issued on March 30, 2005 to DCS under Part 70. In view of the above factors and considering that DCS continues to be the holder of the CAR, we do not view the proposed transaction as impacting the staff's approval of the CAR nor any of the provisions of the Construction Authorization. Accordingly, we approve proceeding with the transaction as you described in your January 27, 2006 letter to the NRC.

If you have any questions please give me a call at (301)-415-6195.

Sincerely,

**/RA/**

David H. Tiktinsky, Senior Project Manager  
Mixed Oxide Facility Licensing Section  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-3098

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