

Amir Kouhestani - RE: Pat,

From: "Duft, Pat H" <Pat.Duft@TycoHealthcare.com>
To: "Amir Kouhestani" <AAK@nrc.gov>, "Burke, Karen" <Karen.Burke@TycoHealthcare.com>
Date: 08/31/2006 9:51 AM
Subject: RE: Pat,
CC: "John Hull" <JTH@nrc.gov>, "Rebecca Tadesse" <RXT@nrc.gov>, "Thomas Fredrichs" <TLF@nrc.gov>

Amir- Thank you for the specific information below. As I noted yesterday, I will communicate any changes as appropriate.

Pat Duft

Patricia Hitt Duft
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From: Amir Kouhestani [mailto:AAK@nrc.gov]
Sent: Thursday, August 31, 2006 8:15 AM
To: Burke, Karen; Duft, Pat H
Cc: John Hull; Rebecca Tadesse; Thomas Fredrichs
Subject: Pat,

Pat,

This is in response to your 8/30 request for guidance regarding subject as above.

During our yesterday site visit you alluded to a pending Tyco corporate restructuring. You noted there may be potential for corporate legal entity name change(s), and your intent to fulfill NRC notification in a timely manner in compliance with the requirement of NRC regulation in 10 CFR 40.46. You mentioned the pending restructuring may result in changes both in name and the legal entity that is Mallinckrodt Chemical, Inc. (MI), an NRC licensee and a subsidiary of Tyco. You further informed us that before the end of this year you would know if the MI needs to send in to NRC the required notification, as the March 1, 2007, is your corporate deadline for any corporate entity(ies) severing from your current overall corporate structure. Lastly, you informed us that in this regard you intend to send in a letter of notification within the next 3 months, as may become necessary, while you and the corporate tax staff are completing internal reviews and coordination with the SCC and IRS.

Please reference NRC NUREG-1556, Volume 15, Section 5, Change of Control, which provides guidance on Criteria, Definition of Control, Description of Transaction, etc. In Volume 15, Appendix D; Examples of Changes of Control (i.e., Direct, Indirect, and No Change of Control) is further discussed by way of examples. You should direct your Change of Control Notification letter to me at your earliest facilitating a timely NRC review. Please call me if you have any questions.

vr,
 Amir Kouhestani
 Project Manager
 DWMEP
 0023