



# Duratek™

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March 7, 2006  
E&L-009-06

71-5805  
71-6346  
71-9001  
71-9081  
71-9168  
71-9196  
71-9204  
71-9216  
71-9321

E. William Brach  
Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

ATTN: Document Control Desk

Re: Notification of Indirect Transfer of Control and  
Request for Written Confirmation that No Prior Written Consent is Required

Certificate of Compliance No. 5805  
Certificate of Compliance No. 6346  
Certificate of Compliance No. 9001  
Certificate of Compliance No. 9081  
Certificate of Compliance No. 9168  
Certificate of Compliance No. 9196  
Certificate of Compliance No. 9204  
Certificate of Compliance No. 9216  
Certificate of Compliance Docket No. 71-9321

Dear Mr. Brach:

Duratek Inc. (Duratek) hereby notifies the Nuclear Regulatory Commission (NRC) of an intended indirect transfer of control of the above captioned Certificates of Compliance (collectively the CoCs). This letter also requests written confirmation of Duratek's understanding, as delineated below, that no prior written consent is required for an indirect transfer of control of CoCs.

EnergySolutions, LLC (EnergySolutions) (formerly known as Envirocare of Utah, LLC) will become the parent of Duratek. A wholly-owned subsidiary of EnergySolutions will merge with and into Duratek, and Duratek will be the surviving corporation. Duratek and its subsidiaries will be unchanged by the transaction, except that Duratek will be wholly-owned by EnergySolutions rather than its current public shareholders, and the directors of EnergySolutions will become the directors of Duratek. The proposed indirect transfer of control does not involve any changes to the existing CoCs.

NM5501

It is Duratek's understanding that no prior written approval is required for an indirect transfer of CoCs is based on prior oral communications with the Office of General Counsel and the Office of Nuclear Material Safety and Safeguards. Furthermore, this understanding is consistent with public safety, the Atomic Energy Act of 1954, as amended (AEA), and NRC Regulations because:

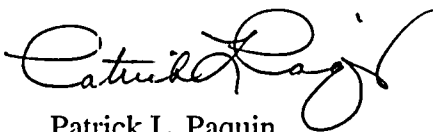
- The purpose of requiring prior approval for a direct CoC transfer is to ensure that any new Quality Assurance (QA) Program is implemented correctly to protect public safety. This is not a concern in an indirect transfer because the whole organization - including the Duratek QA Program - is transferred. Accordingly, the existing approved Duratek QA Program Rev 9 continues to be in place.

Duratek plans no changes to the way that the packagings are currently operated and maintained as a result of this transfer. Duratek maintains responsibility for maintenance of the certificate, the Safety Analysis Report for the package designs and the quality assurance records in accordance with the requirements of 10 CFR 71.91(d). Duratek will continue the maintenance of the records for these designs in accordance with its Quality Assurance Program. The records are located at the Duratek offices in Columbia, South Carolina.

- Section 184 of the AEA, which requires prior written approvals for transfers of NRC licenses, does not apply to CoCs.
- 10 CFR Part 71, which applies to all of the referenced CoCs, does not have an inalienability section. Furthermore, although not applicable here, we note that CoCs issued under 10 CFR Part 72 are not subject to the inalienability provisions of 10 CFR 72.50(a), which instead apply only to licenses for Independent Spent Fuel Storage Installations (ISFSI) and Monitored Retrievable Storage Installations (MRS). ("No license . . . under this part for an ISFSI or MRS shall be transferred." 10 CFR 72.50(a))

The closing of the transaction is expected to occur within the next few months, but it is dependent upon the receipt of government approvals. As such, Duratek respectfully requests that this request for written confirmation of our understanding be reviewed expeditiously. If you have any questions or comments regarding the CoCs, please contact me at 803-758-1824.

Sincerely,



Patrick L. Paquin  
General Manager – Engineering & Licensing