



DUKE COGEMA  
STONE & WEBSTER

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U.S. Nuclear Regulatory Commission  
Washington, DC 20555

27 September 2006  
DCS-NRC-000193

Subject: Docket Number 070-03098  
Duke Cogema Stone & Webster  
Mixed Oxide Fuel Fabrication Facility  
Request for Exemption from Decommissioning Requirements

As stated in Section 1.2.4.1 of the Construction Authorization Request, the Department of Energy (DOE) intends to assume responsibility for decommissioning the Mixed Oxide Fuel Fabrication Facility (MFFF). Accordingly, this letter requests an exemption from NRC decommissioning requirements for the reasons discussed below. A provision in the license application is recommended to specify that the MFFF will be turned over to DOE following deactivation.

The contract between DOE and Duke Cogema Stone & Webster (DCS) includes a requirement that, following completion of its mission for disposition of excess plutonium, the facility will be deactivated and returned to DOE. As discussed in SECY 99-177, "Current Status of Legislative Issues Related to NRC Licensing a Mixed Oxide Fuel Fabrication Facility," Issue 8, DCS suggests the following provision be included in the MFFF license application:

The MFFF shall be turned back to DOE at the conclusion of the contract between DOE and DCS for the operation of the MFFF following DCS' deactivation of the MFFF to the satisfaction of DOE.

Upon approval of this request, DCS would revise Chapter 1 of the license application to possess and use nuclear material, under the heading "Special Exemptions/Authorizations," to include reference to the exemption. In light of such a provision, pursuant to 10 CFR § 70.17(a) and 10 CFR § 40.14(a), DCS requests an exemption from the requirements of 10 CFR § 70.38(d)-(k) and 10 CFR § 40.42 relating to the responsibility for decommissioning (note that exemption is not being sought from the recordkeeping requirements of 10 CFR § 70.25(g) nor 10 CFR § 40.36(f)). The requested exemption is authorized by law and will not endanger life or property or the common defense and security and is in the public interest. Since the DOE will assume responsibility for decommissioning, the method of financial assurance for decommissioning is in accordance with 10 CFR § 70.25(f)(5) and 10 CFR § 40.36(e)(5).

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If you have any questions, please feel free to contact me or Dirk Leach, Vice President and Deputy Project Manager at (803) 502-1895.

Sincerely,

A handwritten signature in black ink, appearing to read "David Stinson". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "Stinson".

David Stinson, President and COO

KDS/MAM

xc: James R. Bieschke, NNSA/CH  
Mosi Dayani, NNSA/SRS  
William Gloersen, USNRC/RII  
Dealis W. Gwyn, DCS  
Dirk Leach, DCS  
Donald J. Silverman, Esq., DCS  
Garrett A. Smith, NNSA/HQ  
David H. Tiktinsky, USNRC/HQ  
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