

October 11, 2001

Mr. James R. Schuh, CHP, RSO
Manager, Environmental, Health, and Safety
Mallinkrodt, Inc.
2703 Wagner Place
Maryland Heights, MO 63043

SUBJECT: APPLICATION FOR WAIVER

Dear Mr. Schuh:

The Spent Fuel Project Office (SFPO) at the U.S. Nuclear Regulatory Commission (NRC) has received your "Application for Waiver." While SFPO staff understands your request, it is apparent that the subject on which you are seeking information is under the jurisdiction of the U.S. Department of Transportation (DOT) and is addressed in their regulations found in 49 CFR Parts 170 through 189. In particular, 10 CFR 173.475(i) may be of importance to your request.

NRC is aware of previous situations where licensees have made similar requests. In those past instances, NRC has deferred to Mr. Rick Boyle or Dr. Fred Ferate of DOT for interpretation and guidance. Either one of these gentlemen can be reached at (202) 366-4545, or by writing to:

U.S. Department of Transportation
400 7th St. SW
DHM-23 Rm 8430
Washington, DC 20590

Should you have any questions or wish to discuss this letter in greater detail, please contact me at (301) 415-3567 or Mr. David Pstrak of my staff at (301) 415-8486.

Sincerely,

/RA/

Michael Tokar, Chief
Transportation and Storage Safety
and Inspection Section
Spent Fuel Project Office
Office of Nuclear Material Safety
And Safeguards

cc: Mr. Rick Boyle, DOT
Dr. Fred Ferate, DOT

Mr. James R. Schuh, CHP, RSO
Manager, Environmental, Health, and Safety
Mallinkrodt, Inc.
2703 Wagner Place
Maryland Heights, MO 63043

SUBJECT: APPLICATION FOR WAIVER

Dear Mr. Schuh:

The Spent Fuel Project Office (SFPO) at the U.S. Nuclear Regulatory Commission (NRC) has received your "Application for Waiver." While SFPO staff understands your request, it is apparent that the subject on which you are seeking information is under the jurisdiction of the U.S. Department of Transportation (DOT) and is addressed in their regulations found in 49 CFR Parts 170 through 189. In particular, 10 CFR 173.475(i) may be of importance to your request.

NRC is aware of previous situations where licensees have made similar requests. In those past instances, NRC has deferred to Mr. Rick Boyle or Dr. Fred Ferate of DOT for interpretation and guidance. Either one of these gentlemen can be reached at (202) 366-4545, or by writing to:

U.S. Department of Transportation
400 7th St. SW
DHM-23 Rm 8430
Washington, DC 20590

Should you have any questions or wish to discuss this letter in greater detail, please contact me at (301) 415-3567 or Mr. David Pstrak of my staff at (301) 415-8486.

Sincerely,

/S/ /RA/

Michael Tokar, Chief
Transportation and Storage Safety
and Inspection Section
Spent Fuel Project Office
Office of Nuclear Material Safety
And Safeguards

cc: Mr. Rick Boyle, DOT
Dr. Fred Ferate, DOT

DISTRIBUTION:

NRC File Center PUBLIC NMSS r/f SFPO r/f CMiller

G:\Mallinckrodtwaive.wpd

ML012850456

OFC:	SFPO	E	SFPO	C	SFPO	N						
NAME:	DPstrak:dmd1	MTokar		CMiller								
DATE:	10/04/01	10/09/01		10/11/01		/	/01	/	/01			

C = COVER

E = COVER & ENCLOSURE

N = NO COPY

OFFICIAL RECORD COPY