

no docket #



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

FEB - 2 2000

Mr. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards (NMSS)  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Brach:

Over the past month, I requested your recommendation concerning our revalidation of Department of Energy Certificates of Approval No. DOE/5467/AF-85 and DOE/9516/B(U)F-85. After reviewing Title 49 and Title 10 of the Code of Federal Regulations and discussing these requests with your staff and with representatives of the Department of Energy, I believe that the Department of Energy has the regulatory authority to certify the packages in question and my request for your recommendation is in error.

Therefore, I am rescinding my request for your review and recommendation and apologizing for any confusion and trouble I have may have caused you and your staff. As for the technical data that accompanied my request, you may keep the data for your records or dispose of it. If you have any questions or need to discuss this matter further, please feel free to contact me at (202) 366-4545.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Boyle".

Richard W. Boyle, Chief  
Radioactive Materials Branch  
Office of Hazardous Materials  
Technology

11MSS24