

August 29, 2000

Mr. Joe Tenorio, Technical Director
Business Technical Services
39767 Paseo Padre Parkway
Suite D
Fremont, CA 94538

Dear Mr. Tenorio:

This is in response to your letter of July 19, 2000, regarding a 10 CFR Part 71 question. You specifically asked, "Does a Specification 20WC-1, fabricated per Department of Transportation requirements and specifications require a Commission approved Part 71, Subpart H, QA Program for use by a Commission licensee?"

There is nothing in 10 CFR Part 71 that requires anyone who wants to fabricate a DOT specification container to have an NRC-approved QA program for that fabrication. The DOT regulations in 49 CFR 173.474, 173.475 address quality control requirements for the fabrication of any packaging for shipment of Class 7 radioactive material. There is no requirement to also follow a NRC-approved QA program.

However, if a NRC licensee wants to use a DOT specification container then the NRC licensee must have an NRC-approved QA program satisfying the requirements in Part 71, Subpart H. 10 CFR 71.14 authorizes a licensee to use a DOT specification container provided that the licensee has a quality assurance program as outlined in Part 71, Subpart H, and complies with the applicable provisions of Subparts A, G, and H.

If you have any further questions, please contact Dorothy Gauch, Senior Attorney, Office of General Counsel, at 301-415-1630

Sincerely,

/S

Stuart A. Treby,
Assistant General Counsel for
Rulemaking and Fuel Cycle

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