

May 10, 2001

Mr. Michael S. Davidson, CHP
Vice President
Duratek Engineering Group
10100 Old Columbia Road
Columbia, MD 21046

SUBJECT: RESPONSE TO INVITATION

Dear Mr. Davidson:

I recently received your letter concerning Nuclear Regulatory Commission (NRC) participation in an upcoming Advanced Workshop that will be held for Duratek customers in Key West, Florida. In your letter you request a presentation by NRC staff on the current status of the Part 71 rulemaking and potential impact of proposed changes to the Rule.

The Part 71 proposed changes were presented to the NRC Commissioners on April 9, 2001, and their collective decision has not been determined. Even if the Commission's views on the proposed rule are conveyed to the staff prior to your workshop, however, it would not be appropriate for staff to single out a Duratek workshop to discuss the issues, as this could be misconstrued as an act of favoritism. Having David Pstrak present on behalf of the Commission would compound the problem, given that he was formerly employed by Duratek. It is the staff's intention to solicit public comment on the proposed rule, but that will be accomplished through the use of public forums and media that bear no relationship to commercial interests.

In summary, while we appreciate your interest in having NRC participate in this program by presenting issues related to the Part 71 rulemaking, we are unable to do so, for the reasons outlined above.

Sincerely,

/s/ /RA

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

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