

"Designated Original"



Department of Energy
Washington, DC 20585

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William E. Brach
Chief, Division of Spent Fuel Storage and Transportation
Spent Fuel Project Office
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
6003 Executive Blvd
Rockville, MD 20855

Dear Mr. Brach:

As the Department of Energy (DOE) Headquarters Certifying Official (HCO), I am responsible for issuing DOE Certificates of Compliance (CoC) and the oversight for use of these DOE CoCs by DOE and DOE contractors. Under my direction, Dr. James M. Shuler is the Program Manager for the DOE Packaging Certification Program (PCP). The DOE PCP is equivalent to the Nuclear Regulatory Commission (NRC) certification program and DOE's authority for these operations comes from 49 CFR Part 173.7(d).

DOE HCO/PCP will be issuing specific exemptions that are equivalent to the NRC specific exemptions, see Title 10 CFR Subpart B-Exemptions, (10 CFR 71.12). These specific exemptions will offer relieve from 10 CFR 71.19(a) and in particular 10 CFR 71.19(a)(3) which does not allow shipments after October 1, 2008. This is necessary because DOE and our contractors need to make final shipments in some of these containers currently under NRC CoC and the shipments can not be made before October 1, 2008. These specific exemptions will be applied on a case-by-case basis and will be both packaging and shipment specific.

The DOE PCP is using a two-step process for these specific exemptions. The first step is to issue a DOE CoC based on a current NRC CoC. These "Revision 0" DOE CoCs will be equivalent to the NRC CoC and have an expiration date of October 1, 2008. The specific exemption is being put in place by a "Revision 1" to the DOE CoC. This DOE CoC will specify the packaging(s) and the shipment(s) and will require that a copy of DOE CoC and Approval Record be attached to the shipping paper and copies of these documents are carried in the cab of the truck. The Approval Record will provide the conditions of the specific exemptions, identify the packaging(s), the shipment(s), and the contents of the shipment(s) and clearly state that this action is providing relieve from the requirements of 10 CFR 71.19(a). The majority of these planned shipments are from DOE sites to the Nevada Test Site where the contents and the packaging will

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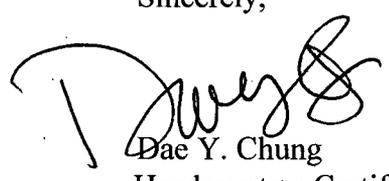


be buried. When the shipments are completed, the DOE CoCs will be canceled. This process will save the taxpayers millions of dollars and will provide equivalent safety to the current Hazardous Material Regulations.

These DOE CoCs will be shown, and the majority of the NRC CoCs, on RAMPAC, <http://www.rampac.energy.gov>. Therefore the DOE specific exemption process will be documented and transparent.

If you have any questions, please call Dr. James M. Shuler, Manager, Packaging Certification Program at (301) 903-5513.

Sincerely,



Dae Y. Chung
Headquarters Certifying Official
Deputy Assistant Secretary for
Safety Management and Operations
Environmental Management

cc:
T. Willke, DOT
A. M. Kordyak, GC- 52