

71-9116

SEP 9 1980

Mr. John D. Simchuk
Nuclear Packaging, Inc.
815 South 28th Street
Tacoma, WA 98409

Dear Mr. Simchuk:

This letter is to acknowledge our telephone conversations of August 27, September 3, and September 5, 1980.

By letter dated July 31, 1980, the NRC's Director of the Division of Fuel Cycle and Material Safety within the Office of Nuclear Material Safety and Safeguards denied your application for design approval for the Model No. CN6-80B shipping package pursuant to the provisions of 10 CFR 2.108. Your August 20, 1980, letter to Mr. Richard P. Cunningham requesting a hearing on this denial, as provided in 10 CFR 2.103, was received within the time permitted for filing such requests.

As we discussed in our telephone conversations such a hearing would be a formal adjudicatory hearing. As we agreed, the NRC has not yet initiated a formal hearing, as requested in your August 20, 1980 letter, and will not do so until you have completed your informal discussion with the NRC staff and your management. We agreed that you would inform me sometime this week whether you desired that the NRC initiate a formal hearing or whether you preferred to withdraw your written request for such a hearing.

Sincerely,

Eric E. Jakel
Attorney
Office of the Executive
Legal Director

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