

October 17, 2000

Mr. James Riccio, Senior Analyst
Public Citizen's Critical Mass Energy
and Environmental Program
215 Pennsylvania Ave, SE
Washington, DC 20003

Dear Mr. Riccio:

I am responding to your letter dated September 20, 2000, requesting a 60-day extension of the comment period on the U. S. Nuclear Regulatory Commission's (NRC) issues paper concerning potential revision to certain portions of Part 71 in Title 10 of the Code of Federal Regulations. In addition, we have received similar requests from other stakeholders. After considering your request, we have decided not to grant any extension to the existing date of September 30, 2000, for close of the comment period on the issues paper. However, we will continue to accept comments beyond the closing date for consideration and, if practicable, factor them into development of a proposed rule.

The primary purpose of our issues paper published in the Federal Register (65 FR 44360, July 17, 2000) was to provide an opportunity for public participation early in this rulemaking activity, to identify and solicit comments on key issues, to request input on other issues, and to solicit costs and operational information. Since publication of the issues paper, the NRC staff has held three public meetings in different regions of the country to solicit public input. The regulatory analysis is currently being prepared and will accompany the proposed rule. The regulatory analysis will evaluate health and safety impacts along with the associated costs of the proposed changes. Once the proposed rule is published, the public will have another opportunity to provide comment. We believe more detailed information included in the proposed rule will assist you in developing specific comments.

To facilitate future public comment, we have placed a copy of the International Atomic Energy Agency (IAEA) Safety Standard Series, ST-1, in our Public Document Room for easy public access. In addition, other IAEA publications and the American Society of Mechanical Engineers (ASME) codes are available in our Technical Library for inspection. The Public Document Room has moved to our headquarters in the One White Flint North building; the Technical Library is located at Two White Flint North. Both are conveniently located within NRC.

We have also updated our web page to include a hyperlink to DOT and IAEA sites to help the public better understand DOT's effort and IAEA's role. We have continued adding public meeting transcripts, summaries, and public comments as they become available in our interactive rulemaking web site, which can be accessed through the NRC web page at "www.nrc.gov/NMSS/IMNS/transport.html". We strongly believe that the stakeholder inputs are essential for success in the NRC rulemaking process, and we welcome your continued involvement.

J. Riccio

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In summary, NRC has decided not to reopen the comment period on the issues paper. However, the NRC will continue to receive, docket, and consider comments to the extent practicable. We believe this strategy will allow the staff to provide input to the Commission in a timely manner on development of a proposed rule while maintaining ample opportunity for comments from the public.

Sincerely,

/RA/

William F. Kane, Director
Office of Nuclear Material Safety
and Safeguards

In summary, NRC has decided not to reopen the comment period on the issues paper. However, the NRC will continue to receive, docket, and consider comments to the extent practicable. We believe this strategy will allow the staff to provide input to the Commission in a timely manner on development of a proposed rule while maintaining ample opportunity for comments from the public.

Sincerely,

William F. Kane, Director
Office of Nuclear Material Safety
and Safeguards

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* See previous concurrence.

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