

Fax Sheet

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To: Chief, Rules & Directives Branch
Div of Admin. Servs.

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Express February 7, 2008

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Division of Administration Services
Office of Administration
U.S. Nuclear Regulatory Commission
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Rockville, MD 20852-2738

**RE: Transportation of Radioactive Material in Quantities of Concern;
Request for Comments**

Dear Sir or Madam:

FedEx Express is the world's largest express transportation company and transports more dangerous goods shipments, including radioactive material packages, than any other air carrier. We also offer more markets domestically and internationally than other carriers currently provide. FedEx Express submits the following comments in response to the Nuclear Regulatory Commission's (NRC) request for comments regarding additional security measures of Radioactive Material in Quantities of Concern (RAMQC), Federal Register, Vol.73, No. 3, Friday January 4, 2008.

As explained below, FedEx Express has significant concerns with NRC's rulemaking proposals outlined in its Federal Register notice. We contend the NRC's broad approach in its proposals do not properly consider or include the current and safe express shipments of these materials and the already existing requirements imposed on them.

Many radioactive material shipments transported by air are ultimately transported and delivered by ground. Radioactive material shipments offered for air transportation are usually more restrictive in the amounts and packaging as opposed to other modes of transportation. Shippers of these materials use express delivery because of their critical nature. Additionally, when shipped in this manner these materials are not in the operational system for any extended period of time.

It is also important to note FedEx Express has never had a radioactive material shipment stolen from any FedEx Express vehicle, aircraft or any of our facilities. Nor have we had a vehicle stolen for the radioactive material on board. We have a closed network where we retain custody of the package from pick up to delivery.

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The loading and handling of radioactive materials for transportation purposes are based on the markings and labels applied by the shipper - not by the individual radionuclide and or activity. Express transportation employees are trained to review the marking and labeling on radioactive material packages for segregation and loading on the aircraft and vehicle. To require a verification process for a certain radionuclide and or activity would be cumbersome and costly to implement, if not impossible in the express transportation environment. Further, FedEx Express could not implement various levels of security based on the security category. Finally, the many additional security measures proposed in Table 2 of this Federal Register notice would simply not make it feasible for FedEx Express to continue offering service for the RAMQCs noted and could lead to an embargo of all radioactive material shipments.

Should these proposals be adopted, these type shipments will have to be performed by specialized carriers instead of express carriers such as FedEx Express. The cost impact of that would likely be enormous for express shippers of radioactive material. As these type shipments are time sensitive, this would have a significant negative effect on this industry, specifically the industrial and medical communities.

The NRC also proposes to place the responsibility of carrier compliance on the licensee. Putting aside for the moment the issue of NRC's attempt to regulate non licensees through such a proposal, this seems to imply each licensee may inspect each carrier utilized. The NRC also states some orders are "safeguarded" implying a licensee may attempt to impose requirements on a carrier while the carrier will not know or have an understanding of the requirement. Further, there are many security measures proposed by NRC here open for interpretation by each individual licensee. For example "Assure trustworthiness and reliability of drivers, assure trustworthiness and reliability of personnel with knowledge of the shipment, maintain constant control or surveillance during transit and no casual stops during transport" are just some of the directives needing further explanation and clarification before anyone can judge or measure compliance.

FedEx Express' time definite operating environment - or any other carriers' operating environment - cannot have its compliance judged or measured by differing interpretations by several licensees of the same or similar known or unknown requirements.

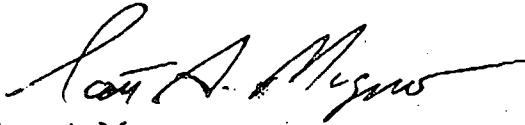
FedEx Express certainly understands and supports security for particular dangerous goods shipments when needed. However, the NRC must look carefully and specifically at the current transportation options used as well as the current security measures already required or proposed by the Pipeline and Hazardous Materials Safety (PHMSA), Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA).

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NRC must seriously and deliberately consult with and involve all current carriers of radioactive material before implementing any proposed requirements in this notice. Unintended consequences from otherwise well intended proposals will be significant to the industry as well as the end users or beneficiaries of radioactive materials.

FedEx Express appreciates the opportunity to provide these comments to the NRC and would be glad to assist in any additional clarification needed. Should you have any questions regarding our comments, please contact me or David Littlejohn, Corporate Safety Advisor, at 901.434.9567.

Think Safety, Act Safety, Be Safe,



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