

NOV 20 1978

Mr. L. D. Santman  
Acting Director  
Materials Transportation Bureau  
Department of Transportation  
Washington, D. C. 20591

Dear Mr. Santman:

This is in response to your letter to Chairman Hendrie dated August 18, 1978, regarding DOT's consideration of the routing of radioactive material shipments, and to follow up on my interim response, dated September 19, 1978, regarding the Nuclear Regulatory Commission's participation in your proceeding.

As noted in my interim letter, both DOT and NRC have statutory authority and responsibility for the safe transport of radioactive materials. The Memorandum of Understanding by which we avoid duplication of effort and overlapping and conflicting regulations provides that each agency will consult with the other in the development of regulations to assure that regulations are in the public interest and that they are in accord with the best-known, practicable means of providing safety in transportation. NRC has considerable expertise and experience in the area of transportation risks and their avoidance, as you have acknowledged in your routing proceeding advance notice by reference to the environmental impact statements issued by this agency.

With respect to our participation in the routing consideration, we are preparing a statement for your November 29, 1978 public meeting, in which we will detail our interest and responsibility in the area and summarize the information which we have available to date and our plans for future activities. By copy of this letter to your Docket Branch, Information Services Division, we request that approximately 15 minutes be provided for our presentation.

We believe that our mutual statutory responsibilities for transportation safety can be satisfied through coordination and consultation between our agencies. Your agreement with that principle is reflected in the Memorandum of Understanding between our agencies and in your invitation for NRC to participate in your rulemaking examination of routing. Any decision to initiate rulemaking proceedings on routing will affect the regulatory activities of both our agencies. We therefore believe that, in accordance with our Memorandum of Understanding, it is appropriate

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Mr. L. D. Santman

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In addition, if some form of joint participation is finally decided upon, we will of course wish to examine public comments developed in this proceeding and other DOT considerations before formulating positions.

Sincerely,

(Signed) L. V. Gossick

L. V. Gossick, Executive Director  
for Operations