

July 7, 2003

Dockets Management System
U.S. Department of Transportation
400 Seventh St. SW; Room PL-401
Washington, DC 20590-0001

SUBJECT: DOCKET NO. RSPA-03-14793 — COMMENTS ON DRAFT PLAN FOR
SECTION 610 REVIEWS OF DOT'S REGULATIONS (68 FR 16751)

Gentlemen:

The U.S. Nuclear Regulatory Commission (NRC) is responding to the U.S. Department of Transportation (DOT), Research and Special Programs Administration's (RSPA's) April 7, 2003, *Federal Register* notice (68 FR 16751) under Docket No. RSPA-03-14793. The notice describes RSPA's plan to perform periodic reviews of selected DOT regulations, as required by Section 610 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121).

The NRC has one suggestion for RSPA's proposed review plan. The NRC would suggest that the table in paragraph I.C of the notice (Regulations Under Analysis) be clarified as to whether Subpart I of DOT's regulations in the recently added 49 CFR Part 172 should be included in this periodic review. Subpart I, "Security Plans," was added to 49 CFR Part 172 in a *Federal Register* notice dated March 25, 2003 (68 FR 14510). While the March 25, 2003, notice indicated that a Regulatory Flexibility Review was performed on the new Subpart I, the NRC believes that the Section-610 information from that final rule should be integrated with the review of other Subparts of 49 CFR Part 172, being performed under the plan, to establish the comprehensive impact of DOT's regulations on shippers of Class 7 (radioactive) materials.

Thank you for your consideration of the NRC's suggestion. If you have any questions on this matter, please contact Mr. Philip Brochman of the NRC's Office of Nuclear Security and Incident Response at (301) 415-6557, or by e-mail at PGB@nrc.gov.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

cc: Eileen Edmonson, DOT/RSPA
Rick Boyle, DOT/RSPA

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FLEXIBILITY ACT, SECTION 610 REVIEWS OF DOT REGULATIONS
(68 FR 16751)

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cc: Eileen Edmonson, DOT/RSPA
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