December 5, 2000

ALL AGREEMENT STATES
MINNESOTA, PENNSYLVANIA, WISCONSIN

OTHER INFORMATION: 10 CFR PART 71 DRAFT PROPOSED RULE - REQUEST FOR COMMENTS (STP-00-082)

In All Agreement State letter STP-00-061, "Notification of Public Meetings on 10 CFR Part 71 (Part 71) Rulemaking and Request for Comments on Issue Paper," dated July 19, 2000, I informed you that the Nuclear Regulatory Commission (NRC) was revising its regulations for the packaging and transportation of radioactive materials, Part 71. The purpose of this revision is to make Part 71 compatible with the International Atomic Energy Agency transportation standards as well as to make the regulation more risk-informed. As part of this effort, NRC staff has developed a draft proposed rule.

This is to inform you that the draft proposed rule is available for your review and comment. We ask that you provide comments on the draft proposed rule by January 9, 2001 directly to: Mr. Naiem S. Tanious, (301) 415-6103; e-mail: NST@NRC.GOV.

The draft proposed rule is predecisional and is available only at the Agreement State area of the NRC's Technical Conference Forum http://techconf.llnl.gov/cgi-states/topics via the NRC Home Page http://www.nrc.gov. The draft rule is marked: "PREDECISIONAL DRAFT INFORMATION FEDERALLY PROTECTED NOT FOR PUBLIC DISCLOSURE."

Due to its predecisional nature, this draft is exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the draft publicly. If this draft is released, please inform me or the contact named below within 24 hours. For additional information about distribution and use of predecisional information, please see All Agreement States letters SP-99-019 and SP-99-027 available at the Agreement State web site, http://www.hsrd.ornl.gov/nrc/home.html.

In addition, we would like to provide you with some additional information regarding the adoption of portions of Part 71 by Agreement States as a matter of compatibility. In All Agreement State letter SP-98-078, "Update OSP Internal Procedure B.7 Rule Tables," dated September 30, 1998, we requested your review and comment on the compatibility issues associated with the adoption of Part 71 equivalent requirements by Agreement States. Given the absence of comments, and the benefits of compatible regulations in this area, Agreement States should continue to adopt some Part 71 requirements as a matter of compatibility with NRC's regulatory program. The adoption of the U.S. Department of Transportation (DOT) regulations by reference by NRC and by the Agreement States augments the DOT inspection and enforcement efforts with those of the NRC and the Agreement States. The combined efforts of DOT, NRC, and the Agreement States assures that the applicable Federal regulations are observed with respect to packaging and shipment of radioactive materials on a nationwide basis. The compatibility designation for the proposed Part 71 rule is provided under the "Agreement State Implementation Issues" section.

This information request has been approved by OMB 3150-0029, expiration 4/30/01. The estimated burden per response to comply with this voluntary collection request is 6 hour(s). Forward any comments regarding the burden estimate to the Information and Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

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