

November 6, 2002

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA, WISCONSIN

**COMPATIBILITY DESIGNATION OF PARAGRAPHS (B) AND (C) OF 10 CFR 71.10,  
EXEMPTION FOR LOW-LEVEL MATERIALS (STP-02-078)**

The State of Ohio and a licensee in the State raised concerns regarding the change in compatibility designation of 10 CFR 71.10 (b) and (c) from Category B, which requires Agreement State adoption, to a Category "NRC," which cannot be adopted by an Agreement State. We are providing a copy of our response for your information.

The response includes a detailed analysis and summary explanation of the compatibility designation, "NRC," for §71.10 (b) and (c) exemptions. It clarifies that a low risk shipper is exempt from those requirements in 10 CFR Part 71 which apply to Type B packages by requiring States to adopt only those portions of Part 71 that apply to low risk shipments. Those portions of Part 71 which apply to the approval of high risk packages (e.g., Type B packages) cannot be adopted by States. The authority to approve Type B packages is reserved to the NRC and cannot be relinquished to States. Finally, an Agreement State low risk shipper would continue to ship under U.S. Department of Transportation (DOT) requirements or State equivalents of DOT requirements for Type A packages.

If you have any questions on this correspondence, please contact me or the individual named below.

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**/RA/**

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