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October 18, 2012

Brian J. McDermott (Director Division of Materials Safety and State Agreements, FSME)
Mailstop T8-E24
Washington, DC 20555-0001

Subject: RCPD-12-016 (RIS regarding 10 CFR 32.210)

Dear Mr. McDermott;

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and offers the following comments for review by the Nuclear Regulatory Commission (NRC).

While the Board agrees with the RIS, we recommend that language be added to state that the preferred method is for the SSDs to be amended. Secondly, we recommend that the RIS state the pathways listed are in order of preference. We also recommend that language be added to explain that a licensee submitting an amendment request to add an aftermarket source requiring a custom review by the NRC/regulatory agency (due to the SSD not specifying a device) would be required to include information from 10 CFR 32.210. This reinforces the level of effort required of the licensee.

The Board would also recommend adding language that the Agreement States would be notified if an amendment was approved by the NRC for an aftermarket source. Sharing this information with the Agreement States will facilitate the review process in other regulatory programs which may receive the same request and promote more effective communication between license reviewers in the different programs.

The Board will request the same of all Agreement States once the RIS is released.

We appreciate the chance to comment on this subject, and stand ready to answer any questions you may have.

Sincerely,

Alan Jacobson, Chairman
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Maryland Department of the Environment
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