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July 30, 2013

Cindy Bladey (Chief, Rules Announcements, and Directives Branch (RADB), Office of Administration)
Nuclear Regulatory Commission
Mail Stop TWB-05-B01M
Washington, DC 20555-0001

Subject: 10 CFR Part 71 Revision

Dear Ms. Bladey;

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document.

The Board commends the NRC is revising 10 CFR Part 71 to conform to 49 CFR regulations thus ensuring unilateral regulation involving the transportation of radioactive materials.

The Board offers the following comments for consideration by the NRC.

1. The compatibility for 10 CFR 71.85(d) be changed to "NRC" since sections (a) through (c) are being revised to compatibility "NRC".
2. 10 CFR 71.38(c) is being revised to remove the requirement for a renewal applicant to submit the quality assurance program. The Board disagrees with this as a licensee should be required to submit all documentation for review when renewing their license. The Board would recommend extending the expiration dates to 10 years in order to minimize the impact on the applicants.
3. 10 CFR 71.106 was added allowing a licensee to make changes to the quality assurance program. The Board agrees with this philosophy but recommends this be amended to mirror 10 CFR 35.26 by adding the following:
 - a. c) The revision has been reviewed and approved by management
 - b. d) Affected individuals are instructed on the revised program before the changes are implemented
 - c. e) A record of this instruction be created and maintained.
4. Section III.P asks "Do other regulatory actions influence the implementation of the proposed requirements?" The Board's answer to this question is yes in that we believe that the creation of Part 37, the revision of Part 35 and 61 take precedence over Part 71

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revision and also will add to the workload of Agreement State staff to revise our applicable regulations.

5. The Board recommends that the Agreement States be offered 3 years to implement these changes when they are finalized by the NRC.

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

Sincerely,

A handwritten signature in cursive script that reads "Alan Jacobson".

Alan Jacobson, OAS Chair
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