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**Santiago Rodriguez, Champion, New Mexico**

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October 18, 2022

Michelle Beardsley  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Michelle,

The OAS Executive Board (Board) would like to submit potential license conditions to the Nuclear Regulatory Commission (NRC) for review and concurrence. The purpose of these proposed license conditions is to provide a method for Agreement States to enforce the upcoming regulatory changes for Category 3 quantities of radioactive materials after the NRC completes the rulemaking process, but before an Agreement State is able to complete their own regulatory changes. These potential license conditions would be made available to Agreement States to use as needed, but Agreement States would not be required to use these conditions.

Please note that the intention of these proposed license conditions is to bridge the gap between when the federal regulations are updated and when various Agreement State regulations are updated. The intent is not to supplant an Agreement State's requirements to promulgate legally binding requirements through regulations as required by their agreement with the NRC.

The Board does understand that the Category 3 rulemaking is still in draft form, and as such, may have edits that would affect any potential license conditions that may be deemed acceptable. However, the Board appreciates the urgency and efforts the NRC has dedicated to this proposed regulatory change and would like to present these potential license conditions based on the current draft regulatory language.

Attached are two proposed options for license conditions. The Board does not have a preference between either option, and the Board is available to revise one or both of the options to reach a mutually-agreeable result to ensure the consistent and compatible enforcement of these proposed rules across the National Materials Program.

Sincerely,

Steve Seeger, Chair  
Organization of Agreement States  
TN Division of Radiological Health  
1301 Riverfront Parkway, Suite 206  
Chattanooga, TN 37402

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*Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming*