

Appendix A: Information Gathering Timeline and Transboundary Impacts

April 7, 2011	NRC staff issued RCPD-11-003 to the Agreement States.
May 16-19, 2011	NRC staff attended the 43 rd Annual National Conference on Radiation Control in Austin, Texas, and provided a poster session.
August 22-25, 2011	NRC staff attended the Organization of Agreement States' 2011 Annual Meeting in Richmond, Virginia.
September 12, 2011	<i>Federal Register</i> notice (76 FR 56124) was issued to inform stakeholders in the Agreement States of public meetings to solicit information from manufacturers and distributors of generally licensed devices and interested persons on the impacts of revising the compatibility categories.
September 20, 2011	NRC staff held a public meeting in Lisle, Illinois.
September 22, 2011	NRC staff held a public meeting in Mansfield, Massachusetts.

On April 7, 2011, the NRC staff issued RCPD-11-003 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML110900263) to the Agreement States. In the letter, the NRC staff requested information from the Agreement States on their current regulatory program, and whether they intend to modify their current regulations that are equivalent to 10 CFR 31.5 and 31.6.

Most of the Agreement States (28 of 37) responded to the letter and provided information on their general license (GL) regulatory programs. The responses can be found in ADAMS (ML12067A107). The responses indicated that 15 Agreement States had GL regulations that were equivalent to the NRC regulations, 10 States had requirements that were more restrictive, and 12 States had GL regulations that were less restrictive. The 12 Agreement States with less restrictive regulations must adopt changes to their regulations by January 25, 2015.

On February 15, 2012, the NRC staff issued a letter to the Agreement States (ML120320151) providing information on the change in compatibility of 10 CFR 31.5 and 31.6 and closing the petition for rulemaking (PRM-31-5) that resulted in the Commission's decision for the change. These provisions are due for state adoption January 25, 2015. Information on the withdrawal of the proposed rule and closure of the proposed rulemaking was published on January 25, 2012, in the *Federal Register* (77 FR 3640). As of April 2012, 23 Agreement States had compatible regulations for 31.5 and 31.6, including 1 State with final regulations that are currently under NRC review.

The feedback from the Agreement States to the questions in the letter was that none of the Agreement States had significant plans to revise their GL regulations in the near future.

On May 16-19, 2011, in Austin, Texas, the NRC staff attended the 43rd Annual National Conference on Radiation Control and provided a poster session. The NRC staff again requested the Agreement States to provide information about their equivalent regulatory programs and the concerns of the stakeholders in the Agreement States with respect to the change in compatibility. There were discussions with Agreement State regulators on the current

status of their GL regulations and on plans to modify their current programs. None of the attendees indicated that they planned to modify existing programs.

On August 22-25, 2011, in Richmond, Virginia, the NRC staff attended the Organization of Agreement States' 2011 Annual Meeting. The NRC staff presented a status on its effort to collect information on the GL transboundary impacts, and discussed the release of a *Federal Register* notice that would announce up-coming public meetings to gather information from stakeholders on the transboundary impacts. There were more discussions with Agreement State regulators on transboundary impacts. Also, there were discussions with a person representing the radiological device manufacturers and distributors industry on transboundary impacts. The staff encouraged this person to attend the planned public meetings and to provide feedback on transboundary impacts.

On September 12, 2011, a *Federal Register* notice (76 FR 56124) was issued to inform stakeholders in the Agreement States of public meetings to solicit information from manufacturers and distributors of generally licensed devices and interested persons on the impacts of revising the compatibility categories. The *Federal Register* notice also provided questions to stakeholders on impacts from the revision in the compatibility for 10 CFR 31.5 and 31.6. The questions would be the focus of the discussions during the public meetings and were intended to generate discussion on transboundary impacts to stakeholders. The stakeholders included manufacturers, distributors, representatives from the Agreement States, NRC staff, representatives of the radioactive material portable gauge industry, and members of the public. The staff used the General License Tracking System and the Sealed Source and Device Registry to obtain GL information on licensees in Agreement and Non-Agreement States to determine the location of the public meetings. Stakeholders were encouraged to offer feedback at either of the public meetings or to submit written responses.

Two public meetings were held, the first in Lisle, Illinois, on September 20, 2011, and the second in Mansfield, Massachusetts, on September 22, 2011. The NRC staff was able to obtain feedback from stakeholders on the impacts of the change in the compatibility categories.

During the meetings and through comment submissions received by mail, the NRC staff collected responses to the questions provided in the *Federal Register* notice. The meeting summaries (ML11287A079 and ML11287A080), transcripts for both public meetings (ML11287A067 and ML11287A066), and the mail-in comments (ML11306A045 and ML11306A108) can be found in ADAMS. A comment summary document was prepared from the information provided by the stakeholders during the two public meetings (ML121090148). Manufacturers and distributors were well represented at both meetings. There was one attendee at the Lisle, Illinois, meeting and one attendee at the Mansfield, Massachusetts, meeting that represented end-users of generally licensed devices. Both individuals provided information and insight on the end-user perspective.