

## **Appendix E: Summary of Feedback and Stakeholder Suggestions**

The following suggestions are based on comments and information provided at the public meetings and responses to the *Federal Register* notice by the Agreement States and members of the public.

### **Agreement State Perspective**

The Agreement States' feedback and actions on the change in compatibility for 10 CFR 31.5 and 31.6 can be summarized by the following: (1) Agreement State representatives provided comments in support of the Commission's actions in changing the compatibility category to C; and (2) to date no changes have been made to Agreement State regulations equivalent to 10 CFR 31.5 and 31.6 by the States as a result of the compatibility change.

The main health and safety concerns identified by the Agreement States with respect to general licensing (GL) are the Agreement State's ability to be aware of sources that are transferred from manufacturers and distributors to end-users in the State and their ability to maintain awareness of sources in the possession of end-users in the State.

Given the Commission's decision to change the compatibility category to C and given that no changes have been made to Agreement State regulations equivalent 10 CFR 31.5 and 31.6 by the States as a result of the compatibility change, no further action is needed by the Commission to address the concerns of the Agreement States regarding the compatibility category of 10 CFR 31.5 and 31.6. However, the staff previously identified 12 Agreement States with GL regulations that are less restrictive than NRC regulations and these Agreement States will have to adopt new regulations that are equivalent to or more restrictive than NRC regulations. These changes must be adopted by January 25, 2015, and will be tracked by staff through the Integrated Materials Performance and Evaluation Program process.

### **Regulated Community Perspective**

The regulated community indicated that their concerns are in the following areas:

1. Economic impacts,
2. Burdensome process, and
3. Health and safety.

They have indicated that national consistency with respect to GL regulations would address all of their concerns.

#### **Suggestions 1: National Database**

The regulated community has indicated to the NRC staff that they would support a national generally licensed device (GLD) database that would encourage national consistency with regard to GLD registration. The NRC staff recognizes that it would be possible for all of the Agreement States to have their requirements met through a national database, including those Agreement States that do not allow GLDs in their jurisdiction. A national database could increase awareness in the Agreement States of individual sources and could lead to more regulatory consistency and minimize confusion by the regulated community in the Agreement States regarding GL regulations. The cost associated with the development of this database is likely to be significant. A similar system developed and used by the NRC for tracking 10 CFR

31.5 devices under its jurisdiction, the Web-based Licensing Program or the General License Tracking System (GLTS), currently costs over \$500,000 a year to implement. Because of the significant costs that would be associated with the development of a GLD database it would most likely be developed in conjunction with the GLTS. The NRC or the Agreement States would have to bear the burden of these costs if this recommendation were implemented.

#### Suggestion 2: Information Clearinghouse

Another suggestion from the regulated community is for the development of a process for the distribution of information on promulgated regulations like a Listserv or a maintained Web site matrix. This would address concerns with respect to the availability of regulatory information. A national process for the distribution of regulations over the Internet could be used to distribute information on updates to regulations to any interested members of the public. This could reduce the burden on manufacturers and distributors devoted to keeping up with changing GL regulations. This mechanism could lead to more consistency and minimize confusion in the Agreement States regarding GL regulations. Such a resource could be beneficial to the licensed community.

The information clearinghouse could be currently housed on existing platforms such as the FSME external Web site or the NRC public Web site at a relatively modest start up cost. Staff resources would need to be committed to keep the clearinghouse up to date. Given the large number of GLDs in NRC and Agreement State jurisdiction, it is currently impossible to gauge the level of interest in such a resource, the amount of staff effort needed to maintain the clearinghouse, and the ability to obtain updated information from the Agreement States.

#### Suggestion 3: Liaison Organization

The regulated community indicated that it would be supportive of the creation of an organization to act as a liaison between the regulated community and the Agreement States where issues of interest to both groups relating to GLDs can be communicated. This organization would help foster dialogue between the manufacturers and distributors and the Agreement State regulators. This organization could also help clarify issues that are important to both parties as well as mitigate any confusion regarding regulations. Interactions between the NRC and outside professional organizations would be guided by existing Federal laws, such as the Federal Advisory Committee Act. Non-governmental professional organizations can publicly meet with NRC and Agreement State staff and provide their concerns, but ultimately regulatory authority and decision-making rests with the government agencies.

#### Suggestion 4: Routine Inspection of GLDs

The regulated community indicated that it would support the NRC's evaluation of an inspection process for all GLDs. An inspection program could have benefits through the increased dialogue and interaction between the regulated community and the NRC/Agreement States. Clarifications of expectations between the regulatory agencies and the regulated community would relieve many of the licensee stakeholder concerns, such as the misunderstandings and misinterpretations of the regulations. Inspections would, overtime, likely result in higher awareness and compliance with GL regulations. This approach would also place the burden of compliance with GL requirements on the end-users; a suggestion made by the manufacturers and distributors.

This proposal would require a significant policy change for the NRC and most Agreement States. A large majority of the GLDs are low risk materials and the level of effort for NRC to implement and maintain such a program would be significant. With the recent cutbacks in State budgets, requiring the Agreement States to perform these inspections could result in fewer inspections in other areas. Most of the Agreement States have indicated that they currently have had to operate their programs with less funding and cutbacks in staffing.