



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 15, 2008

TO: ALL NRC MATERIALS LICENSEES AUTHORIZED TO CONDUCT LICENSED
ACTIVITIES IN THE COMMONWEALTH OF PENNSYLVANIA

SUBJECT: PROPOSED AGREEMENT WITH THE COMMONWEALTH OF
PENNSYLVANIA

Dear Licensee:

As you are probably aware, the Commonwealth of Pennsylvania intends to enter into an Agreement with the U.S. Nuclear Regulatory Commission (NRC). Under the Agreement, the NRC would relinquish to the Commonwealth of Pennsylvania regulatory authority for certain licenses for byproduct, source, and special nuclear materials. It is anticipated that the Agreement would become effective on or about March 31, 2008.

To assist you in understanding this proposed change in regulatory authority, the following conditions would apply on the effective date of the Agreement:

1. As an NRC materials licensee (other than as described in Item 3. below) located in and/or authorized to conduct licensed activities only in the Commonwealth of Pennsylvania, your existing NRC license will be transferred to the Commonwealth. The NRC license will eventually be converted to a Commonwealth of Pennsylvania license at the time of next renewal, amendment, or as determined by the Commonwealth.
2. As an NRC materials licensee located in the Commonwealth of Pennsylvania and authorized to conduct licensed activities in non-Agreement States (i.e., States regulated by the NRC), one of two situations may exist:
 - a. If your NRC license authorizes activities in the Commonwealth of Pennsylvania and at one or more permanent locations in any non-Agreement State (e.g., New Jersey, West Virginia, etc.), upon the effective date of the Agreement, you will be issued two licenses. Your current NRC license will be amended to remove the Commonwealth of Pennsylvania location (leaving those locations that authorize activities in non-Agreement States), and you will be issued a new license by NRC authorizing activities only in the Commonwealth of Pennsylvania. There will be no fee assessed for these actions; however, you will continue to be assessed annual fees to maintain the NRC license. The Commonwealth of Pennsylvania will also charge you license fees for the license authorizing activities in the Commonwealth. The expiration date of both licenses will remain the same; the license authorizing activities in Pennsylvania will eventually be converted to a Commonwealth of Pennsylvania license at the time of the next renewal, amendment, or as determined by the Commonwealth.
 - b. If your NRC license authorizes activities in the Commonwealth of Pennsylvania and at temporary job sites in non-Agreement States, you will be given the

opportunity to declare to our office whether or not you need both Commonwealth of Pennsylvania and NRC materials licenses. If you want to maintain an NRC license, our office will amend your NRC license for temporary jobsites only in non-Agreement States, and we will issue a new license authorizing licensed activities in the Commonwealth of Pennsylvania only. There will be no fee assessed for these actions; however, you will continue to be assessed annual fees to maintain the NRC license. The Commonwealth of Pennsylvania will also charge you license fees for the license authorizing activities in the Commonwealth. The expiration date of both licenses will remain the same; the license authorizing activities in Pennsylvania will eventually be converted to a Commonwealth of Pennsylvania license at the time of the next renewal, amendment, or as determined by the Commonwealth.

If you determine that due to limited work activities in NRC-regulated states you do not need an NRC license, we will amend your existing NRC license to delete authorization for temporary job sites in non-Agreement States. The license will then only authorize work activities in the Commonwealth of Pennsylvania. After the Agreement is effective, you can conduct work at temporary job sites in non-Agreement States pursuant to 10 CFR 150.20 (i.e., reciprocity). However, please be aware that reciprocity is only allowed for a maximum of 180 days in any calendar year. You are required to file NRC Form 241 for reciprocity with the NRC whenever your work brings you into NRC jurisdiction, or into areas of Exclusive Federal Jurisdiction within an Agreement State. The current application fee for reciprocity is \$1,500 per calendar year.

Over the next few weeks, we will be contacting by telephone all NRC licensees in the Commonwealth of Pennsylvania licensed to work at temporary job sites to request whether you wish to keep an NRC license. Should you prefer to call NRC upon receipt of this letter, please call either NRC contact person listed at the end of this letter.

3. Notwithstanding the above two categories, licenses issued by the NRC to Federal Government agencies, or licenses authorizing the possession of special nuclear material in quantities sufficient to form a critical mass, or licenses authorizing exempt distribution, will remain under NRC jurisdiction.
4. If you believe you have a license situation outside of the above categories, please contact the NRC individuals listed at the end of this letter.

For your information, communications with the Commonwealth of Pennsylvania should be addressed to:

Mr. David J. Allard, CHP, Director
Bureau of Radiation Protection
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
Telephone: (717) 787-2480

If you have any questions regarding this letter, please contact either of the Region I State Agreements Officers, Donna Janda at (610) 337-5371 or James Kottan at (610) 337-5214.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Nuclear Materials Safety

If you have any questions regarding this letter, please contact either of the Region I State Agreements Officers, Donna Janda at (610) 337-5371 or James Kottan at (610) 337-5214.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Nuclear Materials Safety

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