



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

December 11, 2008

TO: ALL AGREEMENT STATE LICENSEES IN ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, KANSAS, LOUISIANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, TEXAS, UTAH, AND WASHINGTON WHO FILED AN NRC FORM 241 IN CALENDAR YEAR 2009

SUBJECT: **FILING NRC FORM 241 FOR CALENDAR YEAR 2009 AND NOTIFICATION OF NEW MAILING ADDRESS AS INDICATED ON THE ABOVE LETTERHEAD**

Agreement State licensees seeking to conduct activities under reciprocity in areas of exclusive Federal jurisdiction, non-Agreement States, or offshore waters, for the first time in a calendar year (January - December) must submit the following:

1. NRC Form 241, "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters," attached, or accessible from the NRC web site at: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc241.pdf>, and
2. One copy of the Agreement State Radioactive Materials Specific License, and
3. Fee specified in Category 16, 10 CFR 170.31 (**currently \$1400**) by either check or credit card. If using credit card, please use NRC Form 629, attached, or accessible from the NRC web site at: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf>.

The Initial Filing must be made to the NRC at least 3 days prior to conducting initial activities in a calendar year (January - December) under the General License established by 10 CFR 150.20. Licensees cannot perform work in areas of exclusive Federal jurisdiction without either: (1) filing NRC Form 241 for reciprocity in accordance with 10 CFR 150.20, or (2) applying for a specific NRC license.

The required documentation may be provided by email or fax or mailed to the new address on the letterhead. Please include the "underscore" after R4, if using the email address.

R4_Reciprocity@nrc.gov

Fax #: 817-860-5263

Fax #: 817-860-8188

This general license authorizes persons holding a specific license from an Agreement State to conduct the same activity in areas of exclusive Federal jurisdiction, non-Agreement States, or in offshore waters, if the specific license issued by the Agreement State authorizes temporary jobsites for the respective activity. Under the general license, licensees conducting reciprocity activities, including storage (usage), are limited to a total of 180 days in a calendar year. Reciprocity activities conducted in offshore waters are not subject to the 180-day limit. NRC tracks reciprocity usage on the basis of approved usage days and will not approve any activity, under the general license, that causes the total usage days to exceed 180 days, except for offshore waters. It is important that licensees track the days of use and clarify or delete dates of work when applicable.

Please note, for those licensees who received orders or license amendments from their Agreement State for increased controls with respect to the possession of radioactive material quantities of concern, you must implement those same controls while working at temporary jobsites in exclusive Federal jurisdiction.

Information regarding whether a state is an Agreement State or Non-Agreement State may be located at the following website: <http://nrc-stp.ornl.gov/>. Please note that Michigan, New Jersey and Virginia have recently signed letters of intent to become Agreement States. In addition, the State of Pennsylvania became an Agreement State on March 31, 2008.

Please refer to NUREG-1556, Volume 19, "Guidance For Agreement State Licensees About NRC Form 241 and Guidance for NRC Licensees Proposing to Work in Agreement State Jurisdiction (Reciprocity)" for information regarding how to file an NRC Form 241 and complying with NRC regulations under reciprocity. It is expected that licensees will review this information, as well as the regulations in 10 CFR 150.20, to ensure that their radiation safety program is in compliance with NRC regulations prior to conducting activities in exclusive Federal jurisdiction. NUREG-1556, Volume 19, is accessible at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v19/>.

NUREG-1556, Volume 19, Section 8, "Proprietary Information" references the regulation of 10 CFR 2.790, regarding requests for withholding information from disclosure. This regulation has been changed to **10 CFR 2.390**. Additionally, on October 25, 2004, the NRC suspended public access to NRC's electronic document system (ADAMS.) The NRC initiated an additional security review of publicly available documents to ensure that potentially sensitive information was removed from the ADAMS database, which is accessible through the NRC's web site. As a result of NRC's security review guidance, it has been determined that all specific documentation regarding reciprocity activities will be withheld from public disclosure through ADAMS.

Agreement State licensees operating under reciprocity in areas of exclusive Federal jurisdiction must conduct activities involving radioactive materials in accordance with the conditions specified in the licensee's Agreement State license, representations made in NRC Form 241, and other rules, regulations, and orders of the NRC, now or hereafter in effect. NRC may perform inspections of activities by Agreement State licensees operating under a general license pursuant to 10 CFR 150.20. Inspections may occur at the listed work site location(s) or at the home office address. *Failure to comply with, or conduct your radiation safety program in accordance with, NRC regulations may result in NRC enforcement action(s) against the licensee. Enforcement actions against the licensee could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking the General License as specified in the NRC Enforcement Policy.* This document is available on the following internet address: <http://www.nrc.gov/what-we-do/regulatory/enforcement/enforce-pol.html>

On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (EPAAct) on "Treatment of Accelerator Produced and other Radioactive Material as Byproduct Material." The EPAAct expanded the definition of byproduct material that the NRC regulates under the Atomic Energy Act of 1954, as amended (AEA), to include certain naturally occurring and accelerator-produced radioactive material (NARM). Examples of radioactive materials that are produced by an accelerator include: ¹⁸Fluorine used in positron emission tomography (PET) scanning, ⁵⁷Cobalt used in flood sources, and ⁶⁷Gallium, ¹¹¹Indium, ¹²³Iodine, and ²⁰¹Thallium used for nuclear medicine diagnostic studies. Naturally occurring radioactive material includes radium-226, which may be used as calibration sources or density gauges.

The effective date of the NARM rule was November 30, 2007. Additional information regarding the NARM rule and transition to NRC regulatory authority is available on the NRC website at: <http://nrc-stp.ornl.gov/narmtoolbox.html>. The NRC issued a waiver on August 31, 2005 to: (1) allow states to continue with their regulatory programs for NARM; (2) allow persons engaged in activities involving NARM to continue with their operations in a safe manner; and (3) allow continued use of radiopharmaceuticals for medical purposes. In an effort to orderly transition regulatory authority of the new rule, the waivers will be terminated in phases, with a final termination date of August 7, 2009.

For your information and use in filing for reciprocity, you may obtain NRC Forms, including NRC Form 3, at the following NRC web site: <http://www.nrc.gov/reading-rm/doc-collections/forms/>. NRC Form 3 is a notice which is required to be posted for workers as required by 10 CFR 19.11.

If you do not have access to the internet, or if you have any questions regarding the regulations or the application process, please contact me at 817-276-6552 or Roberto Torres at 817-860-8189.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

A handwritten signature in black ink that reads "Rachel S. Browder". The signature is written in a cursive style with a large, sweeping flourish at the end.

Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch

Attachments: As stated

REPORT OF PROPOSED ACTIVITIES IN NON-AGREEMENT STATES, AREAS OF EXCLUSIVE FEDERAL JURISDICTION, OR OFFSHORE WATERS

(Please read the instructions before completing this form)

Estimated burden per response to comply with this mandatory collection request: 15 minutes. This notification is required so that NRC may schedule inspection of the activities to ensure that they are conducted in accordance with requirements for protection of the public health and safety. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0013), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

1. NAME OF LICENSEE <i>(Person or firm proposing to conduct the activities described below)</i>	2. TYPE OF REPORT <input type="checkbox"/> INITIAL <input type="checkbox"/> CHANGE
3. ADDRESS OF LICENSEE <i>(Mailing address or other location where licensee may be located)</i>	4. LICENSEE CONTACT AND TITLE
	5. TELEPHONE NUMBER <i>(Include Area Code)</i> 6. FACSIMILE NUMBER <i>(Include Area Code)</i>

7. ACTIVITIES TO BE CONDUCTED UNDER THE GENERAL LICENSE GIVEN IN 10 CFR 150.20

WELL LOGGING LEAK TESTING AND/OR CALIBRATIONS TELETHERAPY/IRRADIATOR SERVICE
 PORTABLE GAUGES OTHER (Specify) ⇒ _____
 RADIOGRAPHY ⇒ _____ REGISTERED AS USER OF PACKAGING (CERTIFICATES OF COMPLIANCE NUMBERS)

8. CLIENT NAME, ADDRESS, CITY/COUNTY, STATE, ZIP CODE	9. ACTUAL PHYSICAL ADDRESS OF WORK LOCATION <i>(Street and Number or other location. Give as complete an address or directions as possible.)</i>
	10. CLIENT TELEPHONE NUMBER <i>(Include Area Code)</i> 11. WORK LOCATION TELEPHONE NUMBER <i>(Include Area Code)</i>

12. DATES SCHEDULED		13. NUMBER OF WORK DAYS	14. ADD	15. DELETE	16. LOCATION REFERENCE NUMBER
FROM	TO				NUMBER TO BE ASSIGNED BY NRC

LIST ADDITIONAL WORK SITES ON SEPARATE SHEET(S) TO INCLUDE ALL INFORMATION CONTAINED IN ITEMS 9-16 ABOVE.

17. LIST RADIOACTIVE MATERIAL, WHICH WILL BE POSSESSED, USED, INSTALLED, SERVICED, OR TESTED
(Include description of type and quantity of radioactive material, sealed sources, or devices to be used.)

18. AGREEMENT STATE SPECIFIC LICENSE WHICH AUTHORIZES THE UNDERSIGNED TO CONDUCT ACTIVITIES WHICH ARE THE SAME, EXCEPT FOR LOCATION OF USE, AS SPECIFIED IN ITEM 9. ABOVE. <i>(One copy of the specific license must accompany the initial NRC Form 241.)</i>	LICENSE NUMBER	STATE	EXPIRATION DATE
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19. CERTIFICATION (MUST BE COMPLETED BY APPLICANT)

I, THE UNDERSIGNED, HEREBY CERTIFY THAT:

- a. All information in this report is true and complete.
- b. I have read and understand the provision of the general license 10 CFR 150.20 reprinted on the instructions of this form; and I understand that I am required to comply with these provisions as to all byproduct, source, or special nuclear material which I possess and use in non-Agreement States or offshore waters under the general license for which this report is filed with the U.S. Nuclear Regulatory Commission.
- c. I understand that activities, including storage, conducted in non-Agreement States under general license 10 CFR 150.20 are limited to a total of 180 days in calendar year. With the exception of work conducted in off-shore waters, which is authorized for an unlimited period of time in the calendar year.
- d. I understand that I may be inspected by NRC at the above listed work site locations and at the Licensee home office address for activities performed in non-Agreement States or offshore waters.
- e. I understand that conduct of any activities not described above, including conduct of activities on dates or locations different from those described above or without NRC authorization, may subject me to enforcement action, including civil or criminal penalties.

CERTIFYING OFFICER - RSO or Management Representative <i>(Name and Title)</i>	SIGNATURE	DATE
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WARNING: False statements in this certificate may be subject to civil and/or criminal penalties. NRC regulations require that submissions to the NRC be complete and accurate in all material respects. 18 U.S.C. Section 1001 makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

FOR NRC USE ONLY	REVIEWING OFFICIAL <i>(Typed/Printed Name and Title)</i>	SIGNATURE	DATE	TOTAL USAGE -- DAYS TO DATE
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**AUTHORIZATION FOR PAYMENT
BY CREDIT CARD**

Estimated burden per response to comply with this voluntary collection request: 5 minutes. Requested information will allow respondents to transfer funds electronically. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0190), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

The NRC is currently accepting credit card payment of fees and other debts. If you wish to pay by credit card, complete the authorization below. If you have any questions, contact NRC's collection service provider, Department of Interior/National Business Center at 303-969-5880.

NAME OF CARDHOLDER		ACCOUNT NUMBER	CARD EXPIRATION DATE
ADDRESS		CARDS ACCEPTED (Check card you are using) <input type="checkbox"/> VISA <input type="checkbox"/> MASTERCARD <input type="checkbox"/> NOVUS (DISCOVER) <input type="checkbox"/> AMERICAN EXPRESS	
TELEPHONE	LICENSE NUMBER	SIGNATURE OF CARDHOLDER	
INVOICE NUMBER OR DESCRIPTION	TOTAL AMOUNT OF TRANSACTION		

If you are paying an application or registration fee (including new licenses, amendments, etc.), mail the completed form with your application to the appropriate regional office.

For all other payments, send completed form to:

**U.S. Bank
U.S. Nuclear Regulatory Commission
Accounts Receivable Team
P. O. Box 979051
St. Louis, MO 63197-9000**

PRIVACY ACT STATEMENT

Pursuant to 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission (NRC) on NRC Form 629. This information is maintained as part of a system of records designated as NRC-32 and described at 71 Federal Register 59636 (October 10, 2006), or the most recent Federal Register publication of the NRC's "Republication of Systems of Records Notices" that is located in the NRC's Agencywide Documents Access and Management System.

- AUTHORITY:** 5 U.S.C. 552a; 5 U.S.C. 5514; 15 U.S.C. 1681; 26 U.S.C. 6103(m)(2); 31 U.S.C. 37, subchapters I and II; 31 U.S.C. 3701(a)(3); 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 31 U.S.C. 3718; 31 U.S.C. 3720; 42 U.S.C. 2201; 42 U.S.C. 5841; Cash Management Improvement Act Amendments of 1992 (Pub. L. 102-589); Debt Collection Improvement Act of 1996 (Pub. L. 104-134); 31 CFR Chapter IX, Parts 900-904; 10 CFR Parts 15, 16, 170, 171; Executive Order (E.O.) 9397; E.O. 12101; and E.O. 12731.
- PRINCIPAL PURPOSE(S):** To collect credit card account information and provide authorization for its use to collect a payment or debt.
- ROUTINE USE(S):** In addition to the disclosures permitted under subsection (b) of the Privacy Act, NRC may disclosed information to debt collection contractors or to other Federal agencies for the purpose of collecting and reporting on delinquent debts and to banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose. Information may be disclosed in accordance with any of the routine uses listed in the Prefatory Statement of General Routine Uses which includes to an appropriate agency in the event the information indicates a violation or potential violation of law; in the course of an administrative or judicial proceeding; to an appropriate agency to the extent relevant and necessary for an NRC decision about you or to the extent relevant and necessary for that agency's decision about you; in the course of discovery under a protective order issued by a court of competent jurisdiction, and in presenting evidence; to a Congressional office to respond to their inquiry made at your request; to NRC-paid experts, consultants, and others under contract with the NRC, on a need-to-know basis; and to appropriate persons and entities for purposes of response and remedial efforts in the event of a suspected or confirmed breach of data from this system of records.
- WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Providing this information is voluntary. However, not providing the requested information will not provide the NRC the information and authorization required to use your credit card to collect a payment or debt.
- SYSTEM MANAGER(S) AND ADDRESS:** Director, Division of Financial Management, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

bcc via email:

ATHowell
CLCain
JEWhitten
VHCampbell
GMVasquez
MLMcLean
RRErickson
CAMurnahan
RJTorres
RSBrowder

cc (hard copy):

RIV Nuclear Materials 241 Files

SUNSI Review Completed: RSB
Publicly Available

ADAMS: Yes
Non-Sensitive

Initials: RSB

RIV:NMSBB	C:NMSBB			
RSBrowder	JEWhitten			
<i>/RA/</i>	<i>/RA/</i>			
12/ 11 /08	12/ 11 /08			

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