



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 760114511

November 9, 2012

TO: ALL AGREEMENT STATE LICENSEES IN ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, KANSAS, LOUISIANA, MISSISSIPPI, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, TEXAS, UTAH AND WASHINGTON WHO FILED AN NRC FORM 241 IN CALENDAR YEAR 2012

SUBJECT: **FILING NRC FORM 241 FOR CALENDAR YEAR 2013 NOTIFICATION OF NEW PROJECT MANAGER, AND NOTIFICATION OF NEW MAILING ADDRESS**

This letter serves to outline several changes that should be noted for calendar year 2013 with regard to the reciprocity program in Region IV. **First, please note that Lizette Roldán-Otero has been selected as the new Reciprocity Program Manager. This assignment is effective immediately.** Second, we want to be sure that you are aware that the Region IV office moved earlier in the year and there is a new mailing address. The new mailing address is U.S. Nuclear Regulatory Commission, Region IV, ATTN: Lizette Roldán-Otero, 1600 East Lamar Blvd, Arlington, TX, 76011-4511.

This letter also serves to provide information on how to file for reciprocity for calendar year 2013. For Agreement State licensees seeking to conduct activities under reciprocity in areas of exclusive Federal jurisdiction, non-Agreement States, or offshore waters, and who maintain an office for directing licensed activities in the respective Agreement State, should contact the NRC Regional Office in which the Agreement State that issued their license is located. To file reciprocity for the first time in a calendar year (January - December), the Agreement State licensee 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 \$2300**) 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/>.

Please include your email address on the NRC Form 241. We will send your approval letters primarily through e-mail. 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 10CFR 150.20, or (2) applying for a specific NRC license.

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

R4_Reciprocity@nrc.gov

Fax #: 817-200-1263

Fax #: 817-200-1188

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. However, 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, 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 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/about-nrc/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 ²²⁶Radium, 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 were 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 Region IV staff listed in the table below.

Lizette Roldan-Otero	817-200-1596
Michelle Simmons	817-200-1590
Michelle Hammond	817-200-1127

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, appearing to read "Lizette Roldán-Otero". The signature is written in a cursive style with a large initial 'L'.

Lizette Roldán-Otero, Health Physicist
Nuclear Materials Licensing Branch

Attachments: As stated