



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD, SUITE 102  
KING OF PRUSSIA, PA 19406-1415

November 8, 2022

SUBJECT: ANNUAL POLICY LETTER: NOTIFICATION OF INITIAL RECIPROCITY  
FILING OF NRC FORM 241 REQUIREMENT FOR CALENDAR YEAR 2023

Dear Agreement State Licensee:

Agreement State licensees cannot perform work in areas of Exclusive Federal jurisdiction, Non-Agreement States, and in federal offshore waters without either: (1) filing for reciprocity using an NRC Form 241, "*Report of Proposed Activities in Areas of Exclusive Federal Jurisdiction, Non-Agreement States, and Offshore Waters*;" in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 150.20(b); or (2) applying for and receiving a specific NRC license. An area of exclusive Federal jurisdiction is an area over which the Federal government exercises legal control without interference from the jurisdiction and administration of State law. For example, if the work is to be performed on Federal property in an Agreement State, the licensee must first determine the jurisdictional status of the area where it plans to work. If the licensee is unsure about the jurisdictional status of the work location on Federal land, it should contact the Federal agency that controls the facility where the work is to be performed.

To apply for reciprocity, you must submit the following information when filing an NRC Form 241 the first time (initial filing) for calendar year 2023:

1. An NRC Form 241, "*Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters*," accessible from the NRC Web site at: <https://www.nrc.gov/reading-rm/doc-collections/forms/nrc241.pdf>;
2. The current Agreement State Radioactive Materials License and, if applicable, a "deemed timely" letter from the State issuing the license if the license has or is about to expire; and
3. The fee required by Category 16, 10 CFR 170.31, either by Pay.gov (preferred method), credit card or check. For calendar year 2023, this application fee is \$2,700.00. Pay.gov (instructions enclosed) provides an online platform for the NRC and other federal agencies to accept payments. Provision of a confirmatory email after the transaction is an acceptable form of proof of payment. Alternatively, credit card payments can be authorized using NRC Form 629, accessible from the NRC Web site at: <https://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf>. Alternative forms of payment may be found in NUREG/BR-0254 (<https://www.nrc.gov/docs/ML2222/ML2223A222.pdf>), which is also enclosed.

Guidance on required information and how to file NRC Form 241 may be found in NUREG-1556, Volume 19, Revision 1, Sections 5 and 7, accessible from the NRC Web site at: <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v19/>. The initial filing must be made to the NRC at least three days prior to conducting initial activities in 2023. The completed NRC Form 241 should be e-mailed for NRC review to the electronic mailbox at [R1Reciprocity.Resource@nrc.gov](mailto:R1Reciprocity.Resource@nrc.gov) (preferred method), faxed to (610) 337-5269 or mailed to the

letterhead address. Please note that correspondence by mail has been problematic and using this method may result in significant delays in approval.

Please further note that documents containing sensitive information transmitted to the NRC must be appropriately marked and protected in accordance with any applicable security requirements. For further information, see the enclosed RIS 2005-31, "*Control of Security-Related Sensitive Unclassified Non-Safeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material*," dated December 22, 2005, which can be found on NRC's Generic Communications Web site under Regulatory Issue Summaries at <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/>.

If the NRC determines that the NRC Form 241 contains omissions or errors, the staff will attempt to contact you to obtain the correct information. If the discrepancies cannot be resolved and the Agreement State licensee does not qualify for the General License, staff will inform the licensee of this determination and indicate that the licensee has not complied with the requirements of 10 CFR 150.20, and work is not permitted to be performed in areas of exclusive Federal jurisdiction until NRC receives the required information.

Under the General License, licensees conducting reciprocity activities, including storage, possession, and use of licensed material, are limited to a total of 180 days of licensed activities in any calendar year. In accordance with 10 CFR 150.20(b)(4), reciprocity activities conducted in federal jurisdiction within offshore waters are not subject to the 180-day limit. The NRC tracks reciprocity usage on the basis of approved usage days. The NRC will not approve any activity, under the General License, that causes the total usage days to exceed 180 days or days that exceed the expiration of the Agreement State license (except in cases where a valid "deemed timely" letter is received). It is important that you track the days of use and submit changes to dates of work when applicable. Licensees who perform activities using more than one Agreement State license must submit separate reciprocity requests. For example, if a licensee has separate radiography and service licenses, and wishes to perform licensed activities under each license, the licensee must submit a separate NRC Form 241 with evidence of the appropriate fee for the initial filing for each license. The collective activities under reciprocity for the *licensed entity* will be limited to 180 days. In other words, filing with two separate licenses will not allow greater than 180 days of usage in NRC jurisdiction.

The NRC may perform inspections of your licensed activities at the listed work site location(s). Agreement State licensees operating under reciprocity in areas of NRC 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 NRC, now or hereafter in effect. Failure to comply with these regulations or to conduct your radiation safety program in compliance with NRC regulations may result in NRC enforcement action(s). Such actions could include the issuance of a Notice of Violation, the proposed 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: <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter 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: <https://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Christopher Cahill, Chief  
Commercial, Industrial, R&D and Academic Branch  
Division of Radiological Safety and Security  
Region I

Enclosures:

1. Pay.Gov Instructions
2. NUREG/BR-0254
3. Regulatory Issue Summary 2005-31

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DOCUMENT NAME: [https://usnrc-my.sharepoint.com/personal/jev1\\_nrc\\_gov/Documents/Desktop/Inspections POC and Inherited/Reciprocity/DRAFT 2023 Annual Policy Ltr RE Initial Reciprocity Filing.doc](https://usnrc-my.sharepoint.com/personal/jev1_nrc_gov/Documents/Desktop/Inspections POC and Inherited/Reciprocity/DRAFT 2023 Annual Policy Ltr RE Initial Reciprocity Filing.doc)  
SUNSI Review Complete: SRC

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OFFICE	RI:DRSS	N	RI:DRSS	N	RI:DRSS		
NAME	G. Powell		J. vonEhr		C.Cahill		
DATE	11/07/2022		11/07/2022		11/8/2022		

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