

**GUIDANCE FOR USING U.S. NUCLEAR REGULATORY COMMISSION LICENSED AND AGREEMENT STATE LICENSED SERVICE PROVIDERS FOR DECOMMISSIONING AND REMEDIATION SERVICES**

1.0 Purpose:

The purpose of this document is to provide guidance for NRC licensed facility owners to allow the use of U.S. Nuclear Regulatory Commission (NRC) licensed and Agreement State licensed contractors/service providers to perform temporary site decommissioning and remediation work authorized by their NRC or Agreement State license at NRC-licensed job sites.

Section [150.20](#) of 10 CFR 150 establishes a general license authorizing any person who holds a specific license from an "Agreement State" (a State with which the U.S. Nuclear Regulatory Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954) where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, to conduct the same activity in Non-Agreement States, areas of exclusive Federal jurisdiction, or in offshore waters if the specific license issued by the Agreement State does not limit the authorized activity to specified locations or installations.

Agreement State-licensed service providers cannot perform work in areas of exclusive Federal jurisdiction without either (a) filing NRC Form 241 for reciprocity in accordance with 10 CFR 150.20(b) or (b) applying for a specific NRC license. An area of exclusive Federal jurisdiction {NRC licensed facility} 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 the licensee plans to work. If the jurisdictional status of the work site is unknown to the licensee, the Agreement State licensee should contact the Federal agency that controls the facility where the work is to be performed. A written statement concerning the jurisdictional status is not required in order to file for reciprocity; however, it is recommended that the Agreement State licensee obtain such a statement for the file for future reference and inspection purposes.

This document provides guidance for temporary use of service provider licensees at NRC licensed facilities pursuant to 10 CFR 30.36 (g), 40.42 (g) and 70.38 (g) as well as non-licensed sites under NRC jurisdiction (former Site Decommissioning Management Program (SDMP) sites) for facility owners that may not have a radiation safety program for overseeing the safety of decommissioning-related activities at their site beyond those pertaining to their routine operations of their sites.

This guidance may be used on a case-by-case basis with the Office of Nuclear Material Safety and Safeguards (NMSS), the Division of Decommissioning, Uranium Recovery, and Waste Programs concurrence to license other types of service contractors. However, this guidance does not apply to the installation and maintenance of devices.

## 2.0 Objective:

NRC licensed facility owners may not have radiation safety programs in place for proper oversight of non-routine operations and activities that are adequate to ensure the safety of activities and should be performed by a contracted service provider. Therefore, it is appropriate for service contractors to operate under their license requirements at temporary job sites, when they are providing the radiation safety programs under which the work is being performed. This ensures that NRC licensed facility owners do not perform service activities with which they have no experience.

The reciprocity recognition of Agreement State licenses allows the NRC to authorize work less than 180 days without issuing a new license to an Agreement State-licensed service contractor, and it allows enforcement actions directly against service providers when violations are associated with their radiation safety programs. However, the NRC licensed facility owner remains responsible for ensuring the work is accomplished safely and compliantly and for eventual release of the site regardless of who the licensee facility owner contracts to perform specific activities. The service provider contractor is responsible for complying with their State license and with all applicable regulations of the Commission.

For the purposes of this document, where appropriate, the NRC licensed facility owner may be also referred to as the “client” or “site owner” and the licensed decommissioning/remediation service provider is the “service provider.”

## 3.0 General Guidance:

In general, applications for decommissioning and site remediation services licenses should be made in accordance with the regulations and guidance applicable to the authorized use requested. For example, an application for broad authorization to handle a wide variety of radioactive materials during site decommissioning and remediation should be in accordance with 10 CFR Part 33 and applicable guidance in [NUREG 1556 Volume 11, Revision 1](#) “Program-Specific Guidance about Licenses of Broad Scope,” for Type A Broad Scope licenses. In addition to the existing regulations and guidance, the specific provisions provided below should be addressed. For licensing guidance for service providers, refer to [NUREG-1556, Volume 18, Revision 1](#). For reciprocity general guidance, reference [NUREG 1556 Volume 19, Revision 1](#).

## 4.0 Specific Guidance:

- 4.1 A site decommissioning/remediation service provider licensed by an Agreement State may be authorized to use licensed material only at temporary job sites less than 180 days in the United States where NRC maintains jurisdiction. Possession or use of materials at the service provider’s licensed home site must be authorized under a separate specific license issued by the NRC or the Agreement State, as applicable. In addition, possession should be authorized only to the extent that licensed material originating from the site must be transferred to an authorized recipient or left at the service provider’s home site. Possession (at the temporary job site) of calibration sources, reference standards, and contaminated equipment owned by the service provider may be authorized under the service license. Example: By Agreement State license, the service provider is authorized to

possess portable radioactively contaminated HEPA ventilation systems used to control airborne radioactive dust and may use this equipment at the client's facility to control radioactive dusts. At the completion of the temporary work, the service provider is to transfer the contaminated HEPA unit back to the service providers home licensed facility.

- 4.2 The NRC licensed facility owner (i.e., the future client) should require a written agreement/contract with the NRC or Agreement State licensed service provider to employ the service provider to perform the decommissioning/remediation at the owner's site. The agreements should define the scope of the work to be performed and the end state of the property. The agreement should specify which licensed activities will be performed under the client's license and supervision, and which licensed activities will be performed under the service provider's license and supervision. Regardless of the activities agreed upon, the NRC licensed facility owner is responsible for maintaining compliance with their license and NRC regulations, including emergency response requirements. This agreement should include commitments by both licensees to ensure safety and it should specify any commitments by the service provider to assist the customer with clean up if there is an event or accident at the temporary job site.
- 4.3 The NRC licensed facility owner (i.e., the future client) should notify (phone or email notification) the NRC Inspector or Project Manager for the site at least 30 days prior to commence planned decommissioning or remediation-related activities by the service provider. If the service provider is licensed by an Agreement State, the service provider shall submit NRC Form 241, "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters," to the NRC Regional Administrator in the Regional Office responsible for the geographical area in which the Agreement State issuing the license is located at least 3 days before initiating decommissioning or remediation activities at a temporary job site (10 CFR 150.20). The NRC licensed facility owner, or client as identified on Form 241, should verify the service provider has received reciprocity approval under 150.20 (approved NRC Form 241) before their work starts at their site. Reference [NUREG 1556 Volume 19, Revision 1](#), for reciprocity guidance. NRC Form 241 limits temporary work to less than 180 days.
- 4.4 If it is anticipated that the Agreement State licensed service providers' decommissioning or remediation activities will exceed the 180-day limit, the service provider needs to request a specific license from the NRC. If it is approaching the 180-day limit, the NRC licensed facility owner should issue a contract with the service provider that defines the work scope and addresses safety requirements, including an NRC approved radiation safety program if required, for the activities to be performed under the oversight and supervision of the licensed facility site owner, and obtain any license amendments, as needed. The NRC licensed facility owner will communicate the work schedule to the Regional Inspector or Project Manager for incorporation of NRC inspection resources into the Regional Inspection Plans.
- 4.5 The service provider shall maintain records of information important to decommissioning for each temporary job site at the applicable job site pursuant to 10 CFR 30.35 (g), 40.36 (f), and 70.25 (g). During the activities, the radiological

records and those important to decommissioning shall be provided to the NRC licensed facility owner/client and review by NRC inspectors. At the completion of the activities, the service provider shall provide all radiological records and those important to decommissioning to the NRC licensed facility owner/client for retention.

- 4.6 The NRC licensed facility owner is responsible for commitments related to decommissioning financial assurance. If the NRC licensed facility owner has established decommissioning financial assurance or other license commitments, the NRC license facility owner is responsible for ensuring that its contractors comply with those commitments.
- 4.7 The NRC licensed facility owner is responsible for establishing the site-specific response measures necessary to execute an effective emergency plan for a temporary job site. Before handling licensed material at any one site in quantities requiring an emergency plan, the service provider must submit written confirmation to the client that the service providers' personnel have been trained and will follow the NRC approved facilities owners' emergency plan for the temporary job site. If the quantities or types of radioactive material required to perform the site decommissioning activities exceed the NRC owner's license limits, the NRC licensee is required to obtain NRC approval of a revised emergency plan prior to service provider beginning work.
- 4.8 Within 30 days of completing activities at each temporary job site, the NRC licensed owner is to notify its licensing Region and the Region where the activities were performed. The notification should include the status of the temporary job site and the disposition of the material used by the service licensee.
- 4.9 The NRC licensed facility owner remains responsible for site safety and security. The service provider is responsible for complying with their NRC or Agreement State license when performing work at the temporary job site. The service provider must make a clear commitment to always maintain radiation safety programs, even during planned work stoppages or unplanned delays. This commitment should provide reasonable assurance that the client and service provider will remain competent to use licensed material and undertake authorized activities. This commitment should include the following.
  - A. Maintaining qualified personnel in key positions (i.e., RSO, etc.).
  - B. Holding required safety committee meetings.
  - C. Performing regular maintenance and calibration of safety equipment.
  - D. Completing required training (including periodic retraining).

#### 5.0 Agreement State Licensed Service Providers Guidance for Processing NRC Form 241 for decommissioning and remediation services.

- 5.1 The Agreement State licensed service provider is responsible for completing NRC Form 241 application for reciprocity. The 241 Form is sent to the Regional Administrator, in the NRC Region that is in the Agreement State where the service provider license was issued. If the decommissioning/remediation activities are in a different Region, the Agreement State licensed service provider will send the Form 241 to the Regional Administrator (if different location) where the activities

are planned in writing at least 30 days before initiating activities under the service provider's license at a temporary job site. This notification shall include:

- The estimated type, quantity, and physical/chemical forms of licensed material to be used.
- The specific site location, NRC license number and licensee contact.
- A description of planned activities including waste management and disposition.
- The estimated start date and completion date for the job.
- The name and title of a point of contact for the job, including information on how to contact the individual.

- 5.2 The NRC Region License Reviewer will review the Form 241 for completeness and if the activities are in the same NRC Region, will notify the appropriate project manager or inspector. If the work activity is in another Region, the reviewer should contact the materials decommissioning branch chief, project manager, or inspector in the appropriate Region where the activities plan to be performed to verify that the information was sent to the appropriate Region.
- 5.3 The NRC Region License Reviewer will send an acknowledgement letter to the Agreement State licensed service provider by email or U.S. Postal Service. If the activities are to be performed in a State in another NRC Region, the Form 241 NRC reviewer shall send by email or by U.S. Postal Service a copy of acknowledgement letter and the Form 241 request to the Regional Administrator in the NRC Region where the site remediation or decommissioning activities are to be performed.
- 5.4 The purpose of the acknowledgement letter is to notify the Agreement State licensed service provider that the NRC has received the Form 241. A copy of the acknowledgement letter should also be sent to the NRC licensed facility owner/client. The acknowledgement letter is not an approval of the work to be performed.
- 5.5 The Region license reviewer will consult with the Regional Project Manager/Inspector in Region where the work will be performed to obtain their concurrence for approving the Form 241.
- 5.6 The Region license reviewer will return the approved Form 241 to the Agreement State Licensed applicant, copy the NRC licensed facility owner/client and the Region PM/Inspector responsible for the site.
- 5.7 The NRC licensed facility owner/client should verify by separate communication acknowledging the NRC Regional Health Physicist Decommissioning inspector assigned to inspect the NRC licensed facility is in receipt of the letter and Form 241 approval.