

# NRC INSPECTION MANUAL

NMSS/IMNS

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## MANUAL CHAPTER 1220

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### PROCESSING OF NRC FORM 241, "REPORT OF PROPOSED ACTIVITIES IN NON-AGREEMENT STATES, AREAS OF EXCLUSIVE FEDERAL JURISDICTION, AND OFFSHORE WATERS," AND INSPECTION OF AGREEMENT STATE LICENSEES OPERATING UNDER 10 CFR 150.20

#### 1220-01 PURPOSE

To establish procedures for processing Nuclear Regulatory Commission Form 241 and changes to NRC Form 241; provide information to Agreement State licensees for filing NRC Form 241; and institute the frequencies and requirements for inspection of Agreement State licensees operating under reciprocity in areas of NRC jurisdiction.

#### 1220-02 OBJECTIVES

02.01 To ensure that licensed material is used in accordance with regulatory requirements and that licensed operations are conducted in a manner to ensure protection of the public health and safety.

02.02 To ensure compliance with 10 CFR 150.20, "Recognition of Agreement State licenses."

02.03 To provide information to appropriate State Radiation Control Departments and to NRC's Office of State Programs regarding Agreement State licensees operating in non-Agreement States.

#### 1220-03 DEFINITIONS

03.01 Agreement State. Any State with which the Commission (or the Atomic Energy Commission) has entered into an effective agreement under SubSection 274b, "Cooperation with States," of the Atomic Energy Act of 1954, as amended.

03.02 Non-Agreement State. Any State that is not an Agreement State.

03.03 Exclusive Federal Jurisdiction. An area over which the Federal government exercises legal control without interference from the jurisdiction and administration of State law.

03.04 Reciprocity. Commission recognition of certain Agreement State licenses for work performed in areas of NRC jurisdiction.

03.05 Reciprocity Activities. Activities conducted by Agreement State licensees in non-Agreement States, areas of exclusive Federal jurisdiction, and offshore waters, under the general license provisions of 10 CFR 150.20.

03.06 Filing. Filing will be deemed to be complete as of the time of NRC receipt, either by mail or facsimile.

03.07 Initial Filing. NRC receives NRC Form 241 filed by Agreement State licensees requesting reciprocity for activities conducted in non-Agreement States or in offshore waters. Filing by facsimile is considered acceptable if the facsimile includes 4 copies of the NRC Form 241 and evidence that the appropriate fee requirements will be met within 3 days. This evidence can be a copy of the check or a copy of NRC Form 629, if paying by credit card, that will be mailed to the NRC. The licensee should receive confirmation (by telephone, e-mail, or facsimile) that NRC has received the facsimile.

## 1220-04 RESPONSIBILITIES AND AUTHORITIES

04.01 Division of Industrial and Medical Nuclear Safety, Nuclear Material Safety and Safeguards. Maintain the computer-based Reciprocity Tracking System (RTS) to track reciprocity activities, in order to assist in the planning of inspections of those activities, and to provide summaries of reciprocity activities and inspections on an Agency-wide basis; and to establish the following procedures and guidelines for use in processing NRC Form 241.

### 04.02 Regional Offices

- a. Schedule, conduct, and track inspections to achieve the overall objectives of the inspection program, including the objectives of this chapter.
- b. Each year, before January 1, provide: a Procedures Letter (Appendix II) to reciprocity licensees from the previous year with the procedures and information required for filing NRC Form 241 for reciprocity and for withholding reciprocity information from public disclosure; the applicable regulations and Information Notices; copies of NRC Form 241; and other pertinent information.
- c. Review NRC Form 241 when received to ensure that the proposed activities of Agreement State licensees are in accordance with 10 CFR 150.20 and are authorized under the Agreement State license in accordance with the procedures described in Appendix I. If not, contact the licensee regarding the lack of conformance with the NRC general license in 10 CFR 150.20.
- d. Enter the licensee information into the RTS, and distribute copies of the signed NRC Form 241 (include a copy of the licensee's Agreement State specific license with the initial forms) to appropriate authorities (as described in Appendix I), including the NRC regional office having jurisdiction in the area(s) in which the Agreement State licensee intends to operate. Signature authority for the reviewing official of the reciprocity activities, as requested by NRC Form 241, should be designated according to regional policy.
- e. Inspect Agreement State licensees operating in non-Agreement States, areas of exclusive Federal jurisdiction within Agreement States, or in offshore waters under reciprocity using the same provisions used for equivalent NRC-licensed activities. Carry out enforcement actions against those licensees when violations are found during an NRC inspection. (See Appendix III for specific procedures and frequency.)

- f. Maintain records of reciprocity activities in the RTS.
- g. Maintain Form 241 requests for 20 years following the year for which the Form 241 was effective.

END

Appendices:

- I. "Procedures and Guidelines for Processing NRC Form 241"  
(Appendix I provides the procedures to be followed, by the reviewers, in the processing reciprocity requests from the receipt of NRC Form 241 to the input of data into the RTS to the final distribution of completed actions.)
- II. "Procedures Letter"  
(Appendix II contains a sample Procedures Letter to be sent, by the regions, to Agreement State licensees each year, providing information concerning filing for reciprocity (including Forms 241 and procedures for filing, applicable guidelines, and regulations).)
- III. "Inspection of Agreement State Licensees"  
(Appendix III provides information for use by regional inspectors concerning inspection frequencies and the tracking of inspections through the RTS.)

## APPENDIX I

### PROCEDURES AND GUIDELINES FOR PROCESSING NRC FORM 241

#### A. PURPOSE

To establish the procedures and guidelines for implementing the requirements of this chapter.

#### B. FILING OF INITIAL NUCLEAR REGULATORY COMMISSION FORM 241

The following points address requirements for filing the initial NRC Form 241.

1. Agreement State licensees requesting reciprocity for activities conducted in non-Agreement States, areas of exclusive Federal jurisdiction, or in offshore waters are subject to 10 CFR 150.20. The first time within a calendar year that an Agreement State licensee conducts activities in non-Agreement States or in offshore waters, it must file a copy of a completed NRC Form 241, four copies of its Agreement State license, and the appropriate fee as specified in fee category 16 of 10 CFR 170.31, unless the exemption in 10 CFR 170.11(a)(4) is applicable. See 10 CFR 150.20(b)(1) for further details.

Note: A licensee operating under reciprocity pursuant to 10 CFR 150.20 does not have to obtain affirmative authorization from NRC before performing activities requested on NRC Form 241. Licensees that do not qualify for the general license will be informed of this determination, within 3 days of receipt of NRC Form 241 (See Item 4. , "Deficient NRC Forms 241), and that work is not to be performed in areas of exclusive Federal jurisdiction, non-Agreement States or in offshore waters, until NRC receives the required information.

Note: Verify that those licensees engaging in radiography activities are registered as a user for each approved package issued a Certificate of Compliance number(s), in accordance with the requirements of 10 CFR 71.12, Item 8.

Note: If a company has more than one Agreement State license, a separate NRC Form 241 must be submitted for work conducted under each Agreement State license used during the calendar year.

Note: All fee payments and questions concerning fees should be referred to the License Fee and Accounts Receivable Branch (LFARB).

2. In completing NRC Form 241, the Agreement State licensee must provide sufficient information to enable NRC to conduct inspections.

Note: The Agreement State licensee should only identify work to be conducted during a single calendar year.

3. In general, the preferred method of filing is through the facsimile transmission of NRC Form 241, a copy of the Agreement State license, and evidence that the appropriate fee requirements will be met within 3 days. This evidence can be a copy of the check or a copy of NRC Form 629, if paying by credit card, that will be mailed to the NRC. The licensee should receive confirmation (by telephone, e-mail, or facsimile) that NRC has received the facsimile. Alternatively, the licensee may file the required information through the mail or other means as long as NRC receives the information at least 3 days before the licensee engages in the activity.
4. If the facsimile or other acceptable method for filing all of the required information is not available to the licensee because of an emergency or for other reasons, the Regional Administrator can waive the time requirements specified in 10 CFR 150.20(b)(1) for the filing of NRC Form 241, provided the Agreement State licensee:
  - a. informs the region by telephone, facsimile, NRC Form 241, or letter of initial activities ; and
  - b. receives oral or written authorization for the activity(ies) from the region; and
  - c. files NRC Form 241, 4 copies of the Agreement State license, evidence (as described in paragraph B.3 above) that the appropriate fee requirements will be met within 3 days.

#### C. PROCESSING OF NRC FORM 241

Agreement State licensees are required to report their proposed activities in non-Agreement States to the NRC Regional Administrator of the region in which the Agreement State is located. The regional office shall take the following actions in processing NRC Form 241.

##### 1. RECEIPT

Verify that the filing is timely. Stamp or otherwise note the date of receipt on all copies of NRC Form 241. The form must normally be received by NRC at least 3 calendar days before the licensee's beginning work.

Note: The Regional Administrator may waive the 3-day time requirement, as discussed in B.4. above.

##### 2. INITIAL NRC FORM 241

- a. Immediately upon receipt of NRC Form 241, verify that the required information has been provided and that the certification block has been signed and dated by the Radiation Safety Officer or management representative.
- b. Verify that a fee for the appropriate fee and 4 complete copies of a valid, active Agreement State license are included with the initial NRC Form 241.

Note: For NRC Forms 241 received without evidence of the fee payment, notify the licensee, by telephone, that the required fee must be provided before conducting activities under reciprocity.

In cases where the Agreement State licensee seeks a waiver of the time requirements from the Regional Administrator, the reviewing personnel in the region may authorize reciprocity activities before receipt of the fee only after contacting LFARB for approval.

- c. Review the Agreement State license that was submitted with NRC Form 241 to verify that the proposed activities are authorized by the license and that the license will be in effect during the time of the proposed activities.

Note: The Agreement State licensee cannot qualify for a general license under 10 CFR 150.20, if the specific license issued by the Agreement State limits the activity authorized by the license to specified installations or locations; only if the license authorizes temporary job site locations will the general license of 10 CFR 150.20 apply.

- d. For initial NRC Forms 241, enter the Agreement State licensee and fee information into the Reciprocity Tracking System (RTS).
- e. Enter work location information into the RTS.

Note: The Location Reference Number (LRN) is generated by the RTS and is necessary for the tracking of NRC Form 241 and any changes to NRC Form 241 and is described in the RTS Users Manual. This number should be entered on NRC Form 241 for use by the licensee on subsequent changes.

- f. If NRC Form 241 is deficient (i.e., does not contain the required information, or the information provided indicates that the applicant does not qualify), see Item 4. , "Deficient NRC Forms 241." When it is determined that the required information has been submitted and the fee payment has been provided, sign and date NRC Form 241 as the reviewing official and forward a copy to the Agreement State licensee. This copy may be transmitted via facsimile.

Note: For cases where NRC Form 241 is received and the filing indicates that the licensee does not qualify for a general license under 10 CFR 150.20, notify the licensee of this fact within 3 days of receipt of NRC Form 241 and forward the package to LFARB for fee and ADAMS processing.

Note: Signature authority for the reviewing official of the reciprocity activities as requested by NRC Form 241 should be designated according to regional policy.

- g. Promptly notify, by e-mail, the reviewing official for reciprocity activities in the NRC regional office responsible for the area in which the activity will be conducted, of the completed action.
- h. In the lower right hand corner, mark the NRC's signed Form 241 (or letter in lieu of Form 241) with the assigned ADAMS code and write "copy to Region     " indicating the appropriate region for distribution. Forward the completed Form 241 or letter, a copy of the Agreement State license, and evidence of the fee payment to LFARB for fee processing. After determining that the appropriate fee has been paid, LFARB will enter the fee payment information on NRC Form 241 and forward the completed package to the NRC

Document Control Desk for ADAMS processing . After processing, the form will be returned to the regional office for the official files.

- i. Distribute a copy of NRC Form 241 to the State(s) where the work is to be performed.

### 3. CHANGES TO NRC FORM 241

- a. Verify that NRC Form 241 indicates a request for a change for additional work locations, or changes to the radioactive material, or work activities different from the information previously identified by the licensee on the initial Form 241. The preceding may include updates to or deletions of specific locations or work sites, work site contacts, or dates of work previously identified by the licensee.
- b. Confirm that the information on file in the RTS for the initial NRC Form 241 is current and correct before revising the licensee's reciprocity record in the RTS.
- c. Obtain the number of total usage days to date from the RTS (number of days activities are conducted and/or licensed material is stored in non-Agreement States) and record on NRC Form 241.
- d. For new locations of work, additional dates, or different activities, enter the information into the RTS. Assign an LRN for each new location of work listed on NRC Form 241.
- e. If NRC Form 241 is deficient, see Item 4. , "Deficient NRC Forms 241." When it is determined that the required information has been submitted, sign and date NRC Form 241 as the reviewing official or send a letter indicating that the revisions to the reciprocity activities submitted on the initial NRC Form 241 have been reviewed and found sufficient, and forward a copy of the authorized NRC Form 241 to the Agreement State licensee. Signed NRC Forms 241 may be transmitted via facsimile.

Note: For cases where changes to NRC Form 241 are received and the filing indicates modifications in activities that would no longer allow the licensee to qualify for a general license under 10 CFR 150.20, notify the licensee of this fact within 3 days of receipt of NRC Form 241.

- f. In the lower right hand corner, mark the NRC's signed copy of NRC Form 241 (or letter in lieu of Form 241) with the assigned ADAMS Distribution code for reciprocity documents, and write "copy to Region "indicating the appropriate region for distribution. After processing, the form will be returned to the regional office for the official files.

Note: It is not necessary for the licensee to resubmit the Agreement State license unless the license has been amended since the filing of the initial NRC Form 241.

- g. Promptly notify, by e-mail, the NRC regional office(s) responsible for the area in which the activity will be conducted, of completed action.
- h. Distribute a copy of NRC Form 241 to the State(s) where the work is to be performed.

#### 4. DEFICIENT NRC FORMS 241

- a. If NRC Form 241 contains omissions or errors, try to first resolve them by telephone contact with the Agreement State licensee within 3 days of receipt of the NRC Form 241 request. If the discrepancies can be resolved by telephone contact, mark the form with the corrections and emphasize to the licensee the need to comply with the requirements of 10 CFR 150.20 and that the Agreement State licensee must confirm, in writing or by facsimile, the information provided by telephone.
- b. If the deficiencies cannot be resolved by telephone, send a letter requesting the necessary additional information, identifying to the licensee the errors, omissions or deficiencies. Emphasize to the licensee the need to comply with the requirements of 10 CFR 150.20 before conducting activities under reciprocity and notify the licensee that further review will continue on receipt of the requested information.
- c. If the discrepancies cannot be resolved with the Agreement State licensee, notify the licensee by telephone and send a follow-up letter, within 3 days of receipt of the NRC Form 241 request, explaining that the licensee has not submitted the required information and thus does not qualify for a general license under 10 CFR 150.20. Indicate to the licensee that work is not to be performed in areas of exclusive Federal jurisdiction, non-Agreement States, or in offshore waters until NRC receives the required information. Send the official record copy of the follow-up letter, any additional required information from the licensee, and evidence of any required fee payment to LFARB for fee review and ADAMS processing.

Note: It is the responsibility of the Agreement State licensee to file for reciprocity if work is to be performed in an area of exclusive Federal jurisdiction. However, in situations where the licensee requests assistance in making a determination about such an area, the regional office or reviewing official should refer the Agreement State licensee to the procedures for determining exclusive Federal jurisdiction, contained in Appendix II, "Procedures Letter."

Note: The Office of Enforcement is prepared to forgo enforcement action in cases where an Agreement State licensee has relied in good faith on an inaccurate determination made by the official of the Federal installation where the work is to be conducted.

- d. For Agreement State licensees whose proposed reciprocity activities are approaching or would exceed the 180-day limit, the licensee should be notified by telephone or mail that a specific NRC license must be applied for and obtained if activities in non-Agreement States in excess of 180 days are to be conducted within the calendar year.

#### 5. APPARENT NON-COMPLIANCE WITH 10 CFR 150.20

If NRC Form 241 describes activities that appear to be in noncompliance with the Agreement State specific license or other regulatory requirements, the following actions shall be taken:

- a. Where the Agreement State license limits use to a specific address or location, advise the licensee, by telephone or in writing (with a copy to the appropriate Agreement State) within 3 days of receipt of the NRC Form 241



request, to apply to the Agreement State licensing authority for a license amendment permitting temporary job site locations, or to the appropriate NRC regional office, for a specific NRC license. The reviewer should note the resolution or proposed action on NRC Form 241 and forward the evidence of any required fee payment with the signed original copy of NRC Form 241 to LFARB for fee review and ADAMS processing.

- b. Cases where activities were started before the initial NRC Form 241 was submitted; where the Agreement State license is expired, limits locations, or otherwise is ineligible for reciprocity; or where the 180-day limit is exceeded are violations of 10 CFR 150.20 and should be treated in accordance with the NRC Enforcement Policy, NUREG-1600.
- c. Cases where activities, because of their nature or necessity (e.g., emergencies, weekends), were started before changes were phoned in or submitted (but the initial NRC Form 241 was submitted) should be reviewed on a case-by-case basis when determining compliance with 10 CFR 150.20.

Note: Staff should consider other instances of failure to change NRC Form 241 as noncompliance with the general license provisions of 10 CFR 150.20.

#### 6. NRC FORMS 241 - EQUIVALENCE OR MISDIRECTION

- a. Equivalence - There may be cases where the Agreement State licensee submits a letter in lieu of NRC Form 241. This is acceptable, provided that the submittal contains all of the information required by NRC Form 241, including 4 complete copies of a valid Agreement State license, if applicable, and the required fee.
- b. Misdirection of NRC Form 241 - If an Agreement State licensee inadvertently submits NRC Form 241 to the NRC Office of Nuclear Material Safety and Safeguards or to the wrong NRC regional office, the receiving office shall promptly notify the appropriate NRC regional office, by telephone and send the NRC Form 241 to the appropriate NRC regional office by facsimile. The original NRC Form 241 and the backup documentation may be sent by mail.

#### D. WITHHOLDING RECIPROCITY INFORMATION FROM PUBLIC DISCLOSURE

Agreement State licensees that seek to withhold information contained in NRC Form 241 from public disclosure, must submit an application and affidavit for withholding pursuant to 10 CFR 2.790, when the initial NRC Form 241 is filed. The regional office shall take the following actions in processing requests for withholding of information on NRC Form 241 from public disclosure.

##### 1. RECEIPT

- a. Verify that the licensee has submitted an application for withholding information and an affidavit with the initial NRC Form 241 pursuant to 10 CFR 2.790. Confirm that two versions of the Form 241 have been submitted with brackets ([ ]) placed around the information sought to be withheld. One version should have the information in brackets intact for NRC's use in processing the request for reciprocity. The other version should be "sanitized" for public disclosure with the information sought to be withheld deleted or erased. The "sanitized" version will be the version placed in the PDR if it is determined to be proprietary. Confirm that the additional

information outlined in Attachment 1, Appendix I, has also been supplied in the application.

Note: If the licensee has already submitted an NRC Form 241 for the year, it must submit an application and affidavit within a week of NRC's receipt of NRC Form 241.

Note: The Office of the General Counsel has determined that only the information contained in Items 8 to 12 of NRC Form 241 can be requested for consideration for withholding from public disclosure as proprietary information.

b. If the application or affidavit are deficient (i.e., do not contain the required information) or request that information other than that found in Items 8 to 12 be withheld, notify the licensee by telephone within 3 days of receipt of the request that additional information is needed and that the review will continue on receipt of the required information. Inform the licensee that for NRC to consider withholding the information contained in NRC Form 241 from public disclosure, it must review the information to ensure its status, with respect to being withheld, and that the review of its request for reciprocity will continue on receipt of this information.

c. Review the application or affidavit to determine whether the information contained in the application and affidavit for withholding is complete and sufficient. Notify the licensee by letter, signed by Regional Branch Chief with Regional Counsel concurrence, acknowledging agreement or disagreement in whole or in part with its claim for proprietary treatment and the appropriateness of its 10 CFR 2.790 affidavit. Attachment 2 of this appendix contains samples of the letters to be sent to licensees when acknowledging agreement or disagreement with requests for withholding specific information contained in Form 241 from Public Disclosure.

Note: Once the application and affidavit request for withholding information have been determined to be sufficient, the request will be maintained by the NRC regional office for as long as the Agreement State licensee continues to perform reciprocity activities and submit NRC Form 241s. If the licensee skips a year between filing reciprocity requests, the application and affidavit for withholding must be resubmitted for review.

d. According to Management Directive 12.6, "NRC Sensitive Unclassified Information Security Program," information originated by NRC licensees that has been determined to be proprietary must be marked to ensure proper handling and that the information is only released on a need-to-know basis. The words "Proprietary Information" should be placed at the top and bottom of the page on the front of each document containing proprietary information. Documents containing Proprietary Information must be covered by a Proprietary Information cover sheet, NRC Form 190. Documents containing Proprietary Information must be transmitted between NRC facilities and outside NRC facilities in a single opaque envelope or wrapper. The single opaque envelope or wrapper must not bear any markings or indications that the document contains Proprietary Information.

## E. RETENTION AND DISPOSAL OF RECIPROCITY LICENSING DOCUMENTS

1. All reciprocity licensing documents, the initial NRC Form 241s, changes, and 10 CFR 2.790 requests must be retained and/or destroyed in accordance with the approved records disposition schedules contained in NUREG-0910, "NRC Comprehensive Records Disposition Schedule." NRC Schedule 2-24.4.d, as rewritten, requires that NRC Form 241 license files be retained for 20 years after license termination.

Note: The records disposition schedules, rewritten November 20, 1995, are with the National Archives and Records Administration (NARA) for review and approval. NUREG-0910 is updated on NARA approval of new and revised schedules.

2. In-active license records should be retired to off-site storage through the Records and Archives Services Section (RASS), Information and Records Management Branch, Office of Information Resources Management (IRM). They will remain in storage for the remainder of their 20-year retention period following the year for which the Form 241 was effective. Procedures for retiring records are contained in NRC Management Directive 3.53, "NRC's Records Management Program."
3. Retired records are available for recall from the RASS, IRM, through each respective region's Records Liaison Officer. Requested records (complete box or individual file folders) can be received by the requester via express mail or the internal mail system within 1 to 4 days after RASS receives a request.

END

### Attachments:

1. Information Needed For Withholding Information From Public Disclosure
2. Sample Letter #1 - Acknowledging Agreement With Request to Withhold Form 241 Information from Public Disclosure
3. Sample Letter #2 - Acknowledging Disagreement With Request to Withhold Form 241 Information from Public Disclosure
4. Sample Letter #3 - Acknowledging Partial Agreement With Request to Withhold Form 241 Information from Public Disclosure

## ATTACHMENT 1

### INFORMATION NEEDED FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Licensees wishing Nuclear Regulatory Commission (NRC) to withhold, as proprietary or confidential, the information contained in Items 8 to 12 of NRC Form 241 from public disclosure should submit an application for withholding accompanied by an affidavit. The application and affidavit must be submitted in accordance with 10 CFR 2.790(b)(1). Note: Only the information requested to be withheld as proprietary needs to be accompanied by an affidavit. For the Commission to determine whether the information should be withheld from public disclosure, the following information should be provided in sufficient explanatory detail in addition to the other requirements of 10 CFR 2.790:

1. Clear identification of the document(s), or parts thereof, to be withheld as proprietary or confidential.
2. Statement that this information is held in confidence by the owner of the information.
3. A rational basis for requesting withholding of the information, clearly stating the reasons why the company believes the information contained therein is proprietary or confidential.
4. Confirmation, with details provided, that the information transmitted to, and received by, NRC is held in confidence.
5. Statement as to whether the information is currently available in public sources.
6. Confirmation whether the company customarily treats this information, or this type of information, as confidential, with an explanation.
7. Determination whether the public disclosure of the information would be likely to cause substantial harm to the competitive position of the company, with an explanation in detail as to why. Affidavit should also include the value of the information to the company, the amount of effort or money expended in developing the information, and the ease or difficulty for others to acquire the information.
8. Clear identification of the position of the person executing the affidavit (an officer or upper-level management official delegated to review the information sought to be withheld and authorized to apply for withholding on behalf of the company.)
9. Statement that the company submitting the affidavit is the owner of the information or is required, by agreement with the owner of the information, to treat the information as proprietary and that the affiant is an employee of the company.

## ATTACHMENT 2

### SAMPLE LETTER #1 - ACKNOWLEDGING AGREEMENT WITH REQUEST TO WITHHOLD FORM 241 INFORMATION FROM PUBLIC DISCLOSURE

(Licensee's Name)  
(ATTN: Contact Name)  
City, State Zip Code

Dear \_\_\_\_\_:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION CONTAINED ON NRC FORM  
241

By NRC Form 241, "Report of Proposed Activities in non-Agreement States," letter from (Licensee's Name) dated \_\_\_\_\_, and affidavit dated \_\_\_\_\_, you submitted proprietary material consisting of client information and requested it be withheld from public disclosure pursuant to 10 CFR 2.790.

This is the response to that request.

You stated that the submitted information should be considered exempt from public disclosure for the following reasons:

- 1.
- 2.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld does contain proprietary information. Therefore, the client information contained in Items 8 to 12 of NRC Form 241, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Your request for withholding will be maintained by Region \_\_\_\_, indefinitely or for as long as you continue to perform reciprocity activities and submit NRC Form 241s. If you skip a year between filing reciprocity requests, you must resubmit for review an application and affidavit for withholding information contained in NRC Form 241 from public disclosure.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the U. S. Nuclear Regulatory Commission. You should understand that NRC may have cause to review this determination in the future (e.g., if the scope of a Freedom of Information Act request includes your information). In all review situations, if NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions concerning this action, please feel free to contact me at (XXX) XXX-XXXX.

Sincerely,  
(Regional Branch Chief)

ATTACHMENT 2 (Continued)

SAMPLE LETTER #2 - ACKNOWLEDGING DISAGREEMENT WITH REQUEST  
TO WITHHOLD FORM 241 INFORMATION FROM PUBLIC DISCLOSURE

(Licensee's Name)  
(ATTN: Contact Name)  
City, State Zip Code

Dear \_\_\_\_\_:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION CONTAINED ON NRC FORM  
241

By NRC Form 241, "Report of Proposed Activities in non-Agreement States," letter from (Licensee's Name) dated \_\_\_\_\_, and affidavit dated \_\_\_\_\_, you submitted proprietary material consisting of client information and requested it be withheld from public disclosure pursuant to 10 CFR 2.790. This is the response to that request.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, for the following reasons, have determined that the submitted information, in whole or in part, sought to be withheld does not contain proprietary information:

- 1.
- 2.

Therefore, we have determined that the material, specifically Items 8 to 12, NRC Form 241, should be released and placed in the Public Document Room (PDR). In accordance with 10 CFR 2.790(c), this information is being forwarded to you as notice that the information will be placed in the PDR thirty (30) days from the date of this letter. If within thirty (30) days of this letter, you request withdrawal of these documents in accordance with 10 CFR 2.790(c), or provide additional reasons for the withholding of information, your request will be considered in light of applicable statutes and regulations and a determination made as to whether the documents should be withheld from public disclosure or returned to you.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify NRC. You should understand that NRC may have cause to review this determination in the future (e.g., if the scope of a Freedom of Information Act request includes your withheld information). In all review situations, if NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions concerning this action, please feel free to contact me at (XXX) XXX-XXXX.

Sincerely,  
(Regional Branch Chief)

ATTACHMENT 2 (Continued)

SAMPLE LETTER #3 - ACKNOWLEDGING PARTIAL AGREEMENT WITH REQUEST  
TO WITHHOLD FORM 241 INFORMATION FROM PUBLIC DISCLOSURE

(Licensee's Name)  
(ATTN: Contact Name)  
City, State Zip Code

Dear \_\_\_\_\_:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION CONTAINED ON NRC FORM  
241

By NRC Form 241, "Report of Proposed Activities in non-Agreement States," letter from (Licensee's Name) dated \_\_\_\_\_, and affidavit dated \_\_\_\_\_, you submitted proprietary material consisting of client information and requested it be withheld from public disclosure pursuant to 10 CFR 2.790. This is the response to that request.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined only certain information contained in Items 8 to 12 of NRC Form 241 to be proprietary.

The client information contained in Item(s) \_\_\_\_ of NRC Form 241, marked as proprietary, does contain proprietary information and will; therefore, be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Your request for withholding will be maintained by Region \_\_\_\_, indefinitely or for as long as you continue to perform reciprocity activities and submit NRC Form 241s. If you skip a year between filing reciprocity requests, you must resubmit for review an application and affidavit for withholding information contained in NRC Form 241 from public disclosure.

We have also determined that, for the following reason(s), the information contained in Item(s) \_\_\_\_ of NRC Form 241 does not contain proprietary information:

- 1.
- 2.

Therefore, the client information contained in Items \_\_\_\_ of NRC Form 241, should be released and placed in the Public Document Room (PDR). In accordance with 10 CFR 2.790(c), this information is being forwarded to you as notice that the information will be placed in the PDR thirty (30) days from the date of this letter. If within thirty (30) days of this letter, you request withdrawal of these documents in accordance with 10 CFR 2.790(c), or provide additional reasons for the withholding of information, your request will be considered in light of applicable statutes and regulations and a determination made as to whether the documents should be withheld from public disclosure or returned to you.

ATTACHMENT 2 (Continued)

SAMPLE LETTER #3 - ACKNOWLEDGING PARTIAL AGREEMENT WITH REQUEST  
TO WITHHOLD FORM 241 INFORMATION FROM PUBLIC DISCLOSURE

(Licensee Name)

-2-

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify NRC. You should understand that NRC may have cause to review this determination in the future (e.g., if the scope of a Freedom of Information Act request includes your withheld information). In all review situations, if NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions concerning this action, please feel free to contact me at (XXX) XXX-XXXX.

Sincerely,  
(Regional Branch Chief)



## APPENDIX II

### PROCEDURES LETTER TO BE SENT TO LICENSEES WITH PROCEDURES AND INFORMATION FOR FILING NRC FORM 241

#### A. PURPOSE

To provide Agreement State licensees with procedures and applicable guidelines, regulations and information for filing Nuclear Regulatory Commission Form 241.

#### B. SAMPLE PROCEDURES LETTER

(Licensee's Name)  
ATTN: (Contact Person)  
(Title)  
(Licensee's Address)  
(City), (State) (Zip)

Dear (Contact Person):

Agreement State licensees (licensees) seeking to conduct activities under reciprocity in areas of exclusive Federal jurisdiction, non-Agreement States, or in offshore waters (reciprocity activities), for the first time in a calendar year, must submit NRC Form 241, "Report of Proposed Activities in Areas of Exclusive Federal Jurisdiction, Non-Agreement States, and Offshore Waters"; 4 copies of the Agreement State specific license; and the fee specified in fee Category 16, 10 CFR 170.31. NRC must receive this filing at least 3 days before the licensee engages in activities permitted under the General License established by 10 CFR 150.20 (Enclosure 1). 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 does not limit the authorized activity to specified locations or facilities.

A licensee operating under reciprocity pursuant to 10 CFR 150.20 does not have to obtain affirmative authorization from NRC before performing activities requested on NRC Form 241. If, however, in processing NRC Form 241, NRC determines that the NRC Form 241 contains omissions or errors, the staff will contact the licensee in an attempt 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 to be performed in areas of exclusive Federal jurisdiction, non-Agreement States, or in offshore waters, until NRC receives the required information.

Licensees 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 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. Enclosure 2, "All Agreement States Letter SP-96-022," contains procedures developed by NRC's Office of State Programs for determining exclusive Federal jurisdiction. A written statement concerning the jurisdictional status is not required, 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.

Under the general license, licensees conducting reciprocity activities, including storage (usage), are limited to a total of 180 days in any 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. NRC will not approve any activity, under the general license, that causes the total usage days to exceed 180 days. NRC may note, and notify the licensee, that a filing proposes reciprocity activities which approach or would exceed the 180-day limit. It is important that licensees track the days of use and submit changes to dates of work when applicable.

Licensees who perform activities using separate Agreement State licenses must submit separate reciprocity requests. For example, if a licensee has separate radiography and service licenses, and performs reciprocity work under both, the licensee must submit a separate NRC Form 241 with evidence of the appropriate fee for the initial filing for each license. The activities under reciprocity for each license will be limited to 180 days.

Enclosure 3 contains guidelines to follow in filing NRC Form 241. It is expected that licensees will review this information, as well as the regulations cited in 10 CFR 150.20(b), to ensure that the radiation safety program is in compliance with NRC regulations before conducting activities under reciprocity.

NRC will perform inspections of activities performed in non-Agreement States by Agreement State licensees operating under a general license pursuant to 10 CFR 150.20. These inspections will occur 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 before operating under reciprocity may result in NRC enforcement action(s) against the licensee. 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 license as specified in the "General Statement of Policy and Procedures for NRC Enforcement Actions" enclosed in this package.

During the review of enforcement actions taken against Agreement State licensees operating under reciprocity, it was noted that some Agreement State licensees have not always made the effort to become aware of NRC regulations. This is the licensee's obligation. The lack of awareness of NRC requirements, and applicable provisions is not an acceptable justification to preclude NRC enforcement actions.

For your information and use in filing for reciprocity, I have enclosed applicable NRC bulletins (Enclosure 4), information notices (Enclosure 5), and regulatory guides (Enclosure 6); reference copies of NRC Form 241, "Report of Proposed Activities in Non-Agreement States" (Enclosure 7), NRC Form 3, "Notice to Employees" (Enclosure 8), 10 CFR Parts 19, 20, 71 (as applicable, 10 CFR Parts 30, 34, 35, 39, 40, 61, and 70) (Enclosure 9); and NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enclosure 10).

If you have any questions about the regulations or the application process, please feel free to contact me at (XXX) XXX-XXXX.

Sincerely,

(Reviewing Official)

Enclosures:

1. 10 CFR Part 150
2. All Agreement States Letter SP-96-022
3. Guidelines for Filing NRC Form 241
4. Applicable NRC bulletins, (e.g. NRC Bulletin 95-01)
5. Applicable Information Notices (e.g. NRC Information Notice 91-49,  
"Enforcement of Safety Requirements for Radiographers" should be enclosed for  
radiography licensees)
6. Applicable Regulatory Guides
7. NRC Form 241, "Report of Proposed Activities in Non-Agreement States"
8. NRC Form 3, "Notice to Employees"
9. 10 CFR Parts 19, 20, 71 (as applicable, 10 CFR Parts 30, 34, 35, 39, 40, 61, and 70)
10. NUREG-1600, "General Statement of Policy and Procedures for NRC  
Enforcement Actions."

END

Enclosure:

1. Guidelines For Filing Nuclear Regulatory  
Commission Form 241  
(Same as Enclosure 3 in Sample Procedures Letter above)

## ENCLOSURE 1

### GUIDELINES FOR FILING NUCLEAR REGULATORY COMMISSION FORM 241

#### Initial Filing

Agreement State licensees (licensees) seeking to conduct activities under reciprocity in areas of exclusive Federal jurisdiction, non-Agreement States, or in offshore waters (reciprocity activities), for the first time in a calendar year, must submit: NRC Form 241, "Report of Proposed Activities in Areas of Exclusive Federal Jurisdiction, Non-Agreement States, and Offshore Waters"; 4 copies of the Agreement State specific license; and evidence of the fee specified in fee Category 16, 10 CFR 170.31, with the NRC Regional Administrator for the region where the Agreement State specific license is issued. NRC must receive this filing at least 3 days before the licensee engages in activities permitted under the General License established by 10 CFR 150.20. Failure to file NRC Form 241 may result in civil or criminal penalties.

To facilitate NRC's inspection of Agreement State licensees working under reciprocity, it is important that the information submitted on NRC Form 241 be specific regarding the location(s) and date(s) of use as well as the activity requested. If it is not possible to provide complete addresses for the locations of work, the licensee should provide as much information as possible, concerning the work site(s) or client(s) location such as the town, county, or area (e.g., the Bisco pipeline in Somewhere County, Any State). Please note that reciprocity activities will not be approved for locations such as "temporary jobsites in the United States" or "in the State of \_\_\_\_." The licensee is responsible for providing new or additional information concerning addresses or locations of work as soon as such information becomes available. A Location Reference Number will be generated by NRC for use in tracking reciprocity activities and is specific for each work location. Location Reference Numbers will be provided to licensees on the signed Form 241 copies and should be referenced for any changes to work location information provided on the initial filing of NRC Form 241.

For the dates of work, it is acceptable to indicate that the licensee will operate under reciprocity for 180 days from January 1 through December 31, provided the licensee narrows down or deletes dates as they become known. For example: the initial NRC Form 241 may list March 1 - March 31 for the site at the Bisco pipeline; however, because of rain, work was not performed on March 2 - March 10. The need to delete work dates becomes important when a licensee approaches the 180-day limit; therefore, the licensee should delete the dates when work was not performed. (See Changes, below.)

In general, the preferred method of filing is through the facsimile transmission of NRC Form 241, 4 copies of the Agreement State license, and evidence that the appropriate fee requirements will be met within 3 days. This evidence can be a copy of the check or a copy of NRC Form 629, if paying by credit card, that will be mailed to the NRC. The licensee should receive confirmation (by telephone, e-mail, or facsimile) that NRC has received the facsimile. Alternatively, the licensee may file the required information through the mail or other means as long as NRC receives the information at least 3 days before the licensee engages in the activity.

In addition, the licensee must also submit, by mail, 4 copies of NRC Form 241, 4 copies of the Agreement State license, and the fee or evidence that the fee has been paid, within 3 days of the facsimile transmission. Alternatively, the required information may be transmitted through the mail or other means as long as NRC receives the information at least 3 days before the initiation of licensed activities.

### Emergency Filing

If you are unable to file all the required information by facsimile or other acceptable method for filing, because of an emergency or for other reasons, the NRC Regional Administrator may waive the time requirements specified in 10 CFR 150.20(b)(1) for the filing of NRC Form 241 if you:

- a. Inform the region by telephone, facsimile, an NRC Form 241, or a letter of initial activities or changes to the information submitted on the initial NRC Form 241; and
- b. Receive oral or written authorization for the activity(ies) from the region; and
- c. Submit a copy of NRC Form 241, and 4 copies of your Agreement State license (for initial filings).

### NRC Receipt

When it has been determined that the required information has been submitted and the fee payment has been provided, NRC will sign and date the NRC Form 241 and will forward a copy to the Agreement State licensee. A licensee operating under reciprocity pursuant to 10 CFR 150.20 does not have to obtain affirmative authorization from NRC before performing activities requested on NRC Form 241 provided the Form 241 was filed at least 3 days before the licensee engaged in reciprocity activities. If, however, in processing NRC Form 241, NRC determines that the NRC Form 241 contains omissions or errors, the NRC staff will contact the licensee in an attempt to obtain the correct information. If the discrepancies cannot be resolved and the Agreement State licensee does not qualify for the general license, NRC staff will inform the licensee of this determination and indicate that work is not to be performed in areas of exclusive Federal jurisdiction, non-Agreement States, or in offshore waters until NRC receives the required information.

### Fees

Under the current fee regulations in 10 CFR Parts 170 and 171, initial filings of NRC Form 241 require payment of a fee.

According to 10 CFR 171.11(a), fees will not be assessed for a license applied for, by, or issued to, a nonprofit educational institution for the possession and use of byproduct material, source material, or special nuclear material.

### Withholding Information

Licensees wishing NRC to withhold, as proprietary or confidential, the information contained in Items 8 to 12 of NRC Form 241 from public disclosure must submit an application for withholding accompanied by an affidavit. The application and affidavit must be submitted in accordance with 10 CFR 2.790(b)(1) and should be submitted with the initial submittal of the Form 241 for the calendar year. This means that an application and affidavit for withholding information must be submitted, either the first time an Agreement State licensee submits NRC Form 241 for a calendar year, or if the licensee has already submitted an NRC Form 241 for the year, it must submit an application and affidavit for withholding information within a week of NRC's receipt of the Form 241.

NRC's Office of the General Counsel has determined that only the information requested in Items 8 to 12 of NRC Form 241 can be considered for withholding from public disclosure as proprietary information. Therefore, if your company wishes NRC to withhold the information contained in NRC Form 241, Items 8 to 12, from public disclosure, you or the company, as owner of the information, must submit an application and affidavit for withholding in accordance with 10 CFR 2.790(b)(1). Only the information requested to be withheld as proprietary needs to be accompanied by an affidavit. For the Commission to determine whether the information should be withheld from public

disclosure, you should address the following items in sufficient explanatory detail in addition to the other requirements of 10 CFR 2.790:

1. Clearly identify the document(s), or parts thereof, to be withheld as proprietary or confidential.
2. State whether this information is held in confidence by the owner of the information.
3. Provide a rational basis for requesting withholding of the information. Clearly state the reasons why your company believes the information contained therein is proprietary or confidential.
4. Confirm that the information transmitted to, and received by, NRC is held in confidence. Please give details.
5. To the best of your knowledge, state whether the information is currently available in public sources.
6. Confirm whether your company customarily treats this information, or this type of information, as confidential. Please explain why.
7. Determine whether the public disclosure of the information would be likely to cause substantial harm to the competitive position of your company. If so, explain why in detail. Your affidavit should also include the value of the information to your company, the amount of effort or money expended in developing the information, and the ease or difficulty for others to acquire the information.
8. Clearly identify the position of the person executing the affidavit (an officer or upper-level management official delegated to review the information sought to be withheld and authorized to apply for withholding on behalf of the company.)
9. State that the company submitting the affidavit is the owner of the information or is required, by agreement with the owner of the information, to treat the information as proprietary and that the affiant is an employee of the company.

Two versions of the Form 241 should be submitted with brackets ([ ]) placed around the information sought to be withheld. One version should keep the information in brackets intact for NRC's use in processing the request for reciprocity. The other version should be "sanitized" for public disclosure by deleting the information sought to be withheld. If the information is determined to be proprietary, the "sanitized" version will be the version placed in the PDR.

On reviewing your application and affidavit, the NRC regional office will notify you by letter acknowledging agreement or disagreement with your request for information to be maintained as proprietary information. For deficient affidavits, you will be requested to provide additional information.

Once approved, a request for withholding proprietary or confidential information will be maintained by the NRC regional office indefinitely or for as long as you, as the Agreement State licensee, perform reciprocity activities and submit NRC Form 241s. If you should skip a year between filing reciprocity requests, you must resubmit your request and affidavit for withholding proprietary information.

## Additional Requirements

Additional pertinent regulations are cited in 10 CFR 150.20(b). In particular, radiographers and radiographers' assistants must, at all times during radiographic operations, wear direct reading pocket dosimeters, alarm ratemeters, AND either film badges or thermoluminescent dosimeters (TLDs) as required by 10 CFR 34.33(a). Secondly, radiographic exposure devices, sources, and associated equipment must comply with the requirements described in 10 CFR 34.20. Licensees need to be aware that when exposure devices are transported, Department of Transportation regulations must be followed. These regulations can be found in 49 CFR and are incorporated by reference in 10 CFR 71.5. Also, to transport certain devices, licensees must be registered as users for all approved packages issued Certificate of Compliance numbers. Package users also need to have a quality assurance program as specified in 10 CFR 71.12(c) and outlined in NRC Bulletin 95-01, "Quality Assurance Program for Transportation of Radioactive Material." Agreement State licensees should also be aware that the recent revisions to 10 CFR Part 34 will have an impact on radiography activities.

## APPENDIX III

### INSPECTION OF AGREEMENT STATE LICENSEES

#### A. PURPOSE

Policy and guidelines for performing inspections of Agreement State licensees working under reciprocity.

#### B. INSPECTION

The regional office(s) that have U.S. Nuclear Regulatory Commission (NRC) jurisdiction in the area(s) in which the Agreement State licensees will operate shall take the following action:

##### 1. Frequency

Inspections of Agreement State licensees operating under general licenses under 10 CFR 150.20 should be conducted using the same provisions used for equivalent NRC-licensed activities, except as specifically defined in this chapter. These provisions include, but are not limited to, inspection processes and inspection records as defined in NRC Manual Chapter 2800 (MC 2800). However, the inspection frequencies for reciprocity licensees are not subject to the provisions in MC 2800 and are not to be extended for good licensee performance.

To determine if a reciprocity licensee should be a candidate for inspection, the region processing the initial NRC Form 241 request should do the following:

- a. Determine if the reciprocity licensee has had NRC escalated enforcement in the past 2 years.
- b. Review the Nuclear Materials Event Database (NMED) to determine if the reciprocity licensee has had a significant NMED event (e.g., source disconnects, lost sources, overexposures) in the past 2 years.

If NRC has inspected the reciprocity licensee (in the field), in the last calendar year, and the licensee has not had escalated enforcement or a significant NMED event in the past 2 years, then the reciprocity licensee is NOT to be considered a candidate for inspection. All other reciprocity licensees are to be considered candidates for inspection.

The percentages of inspections of reciprocity licensees to be inspected each year are based on the number of candidates for inspection per region. The percentages of inspections by program code and priority should be as follows, with Priorities 1 through 3 as Core Inspections and the remaining priorities as non-Core Inspections:

Priorities 1, 2, and 3 program codes - 20 percent of the candidate licensees from the candidate pool are to be inspected each year.

All other program codes - Are to be inspected each year, as resource and inspection schedules permit.



NOTE: If the work to be performed by the reciprocity licensee (who is a candidate for inspection) is within a Region other than the Region that received the Form 241, the Region receiving the Form 241 should promptly notify the Region where the work is to be done of the Accession Number of the Form 241 and supporting documentation.

NOTE: In cases where a licensee performs reciprocity activities in several regions, the Region with the first opportunity to inspect the licensee at a work site should do so. The completed inspection should be recorded as a completion for the inspecting Region. The inspecting Region should notify the Regional Office responsible for the area in which the Agreement State licensee is located.

## 2. Location

Inspections of Agreement State licensees operating under reciprocity in areas of NRC jurisdiction pose many difficulties, such as short lead time and logistics. Nevertheless, reciprocity inspections are to be conducted during actual field work. Such inspections should be unannounced, but may be announced, when necessary, in the interest of effectiveness and efficiency.

## C. INSPECTION REPORTS AND ENFORCEMENT ACTION

Inspection records (unless escalated enforcement action is anticipated) shall be prepared for all inspections of Agreement State licensee activities. The inspecting Region should enter any pertinent information [as described in the Reciprocity Tracking System (RTS) Users Manual] about inspections and escalated enforcement actions into the RTS. The inspection report number should be recorded in the comment field in the RTS.

Note: For assist inspections, follow the procedures in MC 2800.

"General Policy and Procedure for NRC Enforcement Actions," NUREG-1600, shall be used as the policy and criteria for taking enforcement actions against the licensee. Copies of the enforcement correspondence shall be sent to:

The Agreement State authority issuing the license under which the Agreement State licensee is operating;

The NRC regional office in which the Agreement State is located; and

Other distribution, in accordance with existing procedures.

END