

July 17, 2002

Ms. Molly Van Gorp  
1401 8<sup>th</sup> Street SE  
Orange City, IA 51041

SUBJECT: REGULATORY GUIDANCE FOR THE LICENSING AND TRANSPORT OF  
BYPRODUCT MATERIAL FROM THE UNITED STATES INTO MEXICO AND  
CANADA

Dear Ms. Van Gorp:

Thank you for the e-mail request that you sent to the Department of Energy (DOE) on May 15, 2002. DOE has forwarded your request to the Nuclear Regulatory Commission (NRC) for response.

In your request, you asked to be directed to the regulations that explain the licensing and transportation requirements for byproduct material - specifically brachytherapy seeds - that are to be transported from the United States into Mexico or Canada.

For regulatory guidance on the licensing and transport of byproduct material, I direct you to the January 1, 2002 edition of the regulation Title 10, Code of Federal Regulations, Part 110, "Export and Import of Nuclear Equipment and Material." In addition to the other information contained in this regulation, you may want to pay particular attention to the sections that are specified in the bullet statements below. You may easily access Title 10 at the Government Printing Office's website. See [www.gpo.gov](http://www.gpo.gov). Click the *GPO Access* link which will take you to the site that contains the Title 10 regulations:

- ▶ Title 10, Section 110.19, "Types of Licenses", which explains the difference between general licenses and specific licenses.
- ▶ Title 10, Section 110.23, "General License for the Export of Byproduct Material", which lists isotopes and activities for which a general license is issued to export byproduct material.
- ▶ Title 10, Section 110.31, "Application for a Specific License", which explains the procedure for obtaining a specific license. You will need a specific license from the NRC to ship your byproduct material should it not meet the criteria established in Section 110.23.

I should note that import or export of material, under either the general or specific license, is predicated on your having a specific license from the state of Iowa simply to possess this byproduct material. You need this licensure from Iowa because, for the purpose of regulating radioactive materials, Iowa is what is known as an "Agreement State." An Agreement State is any state that has entered into an agreement with the NRC to self-regulate the possession and use of byproduct material within its borders.

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There is one final point I feel is worth mentioning. All responsible governments require authorization or licensure of radioactive material that is to be used or possessed within its borders. Therefore, it is good practice to verify that the people who are requesting this radioactive material, are in fact, properly licensed by their government to possess and use it. This consideration is an especially important one in today's environment, given the public's heightened awareness of the possibility that such material may fall into the wrong hands and be diverted for illegal and/or harmful purposes.

For regulatory guidance on the correct procedure for packaging and transporting byproduct material, review Title 10, Code of Federal Regulations, Part 71.

I hope this information is helpful. Please feel free to contact Angela R. Williamson of my staff at (301) 415-5030 if you have further questions.

Sincerely,

**/RA/**

Donald A. Cool, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Distribution:EDO20020397

LTR-02-0456IMNS r/f      AWilliamson      PTressler      EDO r/f      CPoland  
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\*See previous concurrence

ADAMS ACCESSION: **(Itr.ML021990056)Package ML**

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<b>NAME</b>	AWilliamson		FBrown		TEssig		DCool	
<b>DATE</b>	7/12/02		7/12/02		7/12/02		7/17/02	

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