



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

November 1, 2005

Docket No. 03012771

License No. 08-17447-01

Gary T. McMahan
Director, Occupational Safety & Health
U. S. Customs & Border Protection Bureau
Department of Homeland Security
1300 Pennsylvania Avenue, NW
Room 2.2.C.
Washington, DC 20229

SUBJECT: U. S. CUSTOMS & BORDER PROTECTION BUREAU, DEPARTMENT OF
HOMELAND SECURITY, EXCLUSIVE FEDERAL JURISDICTION AT
LICENSEE'S FACILITIES

Dear Mr. McMahan:

On June 21, 2005, during a visit to your facilities at the Port of Baltimore, MD, I discussed with Mr. Richard Whitman of your staff the activities of your contractors who service and perform other activities associated with VACIS units possessed by Customs and Border Protection at facilities located in Agreement States. From these discussions, it is my understanding that all repairs of VACIS devices, and their use in training, even if conducted by outside contractors, are performed under the above listed license. Many of your VACIS units are used in Agreement States. NRC does not have jurisdiction over radioactive material in such states unless the location is under exclusive federal jurisdiction or the activities are conducted by a federal entity such as Customs and Border Protection. Part of my responsibility is to assure that all such activities are conducted safely and are properly regulated and controlled. Conduct of the activities under the Customs and Border Protection NRC license assures appropriate regulation and control. It would be helpful if you would confirm my understanding in writing.

We appreciate your cooperation with us. Please call me at (610) 337-5252 if you have any questions or wish to discuss this matter.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

G. McMahan
U. S. Customs & Border Protection Bureau

2

cc:
U.S. Customs and Border Protection
Richard T. Whitman, Radiation Safety Officer
HRM - Safety Office
6650 Telecom Drive, Suite 100
Indianapolis, IN 46278

DOCUMENT NAME: E:\Filenet\ML053070284.wpd

SISP Review Complete: ASL

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	SLodhi ASL		JDKinneman ASL FOR			
DATE	11/02/2005		11/02/2005			

OFFICIAL RECORD COPY