

June 29, 2006

Mr. Charles H. Rose  
1143 Peakview Circle  
Boulder, Colorado 80302

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION POLICY REGARDING  
CITIZENSHIP STATUS AND THE USE/POSSESSION OF RADIOACTIVE  
MATERIAL

Dear Mr. Rose:

I am responding, on behalf of Chairman Nils J. Diaz, regarding your letter dated May 1, 2006. In your letter, you request that we advise you as to the U.S. Nuclear Regulatory Commission (NRC) policy concerning citizenship of physicians and others receiving NRC licenses that authorize the purchase of radioactive materials. Specifically, you ask if there is any restriction of licenses to citizens or a class of visas, green cards, or related documents.

Neither the regulations in 10 CFR Part 35, nor the provisions of the Atomic Energy Act of 1954 (AEAct), which provide the authority for the regulations in Part 35, restrict the issuance of licenses, based on citizenship. Nevertheless, the Commission retains the power to deny a license of any sort if it deems that such denial is warranted, based on common defense and security considerations.

Our response to your question is limited to the issuance of NRC licenses pursuant to our authority under the AEAct. There may be other, non-NRC statutes or regulations that restrict the issuance of licenses based on citizenship.

I trust that this reply responds to your question.

Sincerely,

**/RA/**

Charles L. Miller, Director  
Division of Industrial and  
Medical Nuclear Safety

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