

**Sollenberger, Dennis**

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**From:** Jennifer Tobin - FSME  
**Sent:** Friday, January 18, 2008 5:34 PM  
**To:** Dennis Sollenberger  
**Subject:** Re: Fwd: Agreement State ques.

Thanks Dennis, I talked with him about it....you provide such a good explanation!

-Jenny

Jenny Tobin  
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>>> Dennis Sollenberger 1/18/2008 9:31 AM >>>  
Jenny:

The answer to the question is:

10 CFR 31.9 like 40.21 authorize the ownership of byproduct or source material but does not authorize the possession or use of the material. The provision was added to the regulation to allow investment groups or individual (materials brokers) to purchase (own) radioactive material and then lease the material/device to the ultimate user or sell it and have the manufacturer send the device directly to the end user. There are companies that lease radiography cameras to radiographers and the leasing company does not need a specific license unless they actually take possession of the camera.

In the source material side of things, uranium is sold and traded on the commodity market and the people that buy and sell uranium but never take possession are general licensees of the Commission under 40.21.

I hope this explains this regulatory section.

Dennis Sollenberger

>>> Jennifer Tobin 01/16/2008 6:14 PM >>>

Dennis,  
Let me know what you think of my explanation regarding Richard's question, I want to be as clear as possible while still answering his question (correctly). We can chat Thursday sometime if you're available....

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Although the underlining did not get expressed in the e-mail version, I will try to answer the question that I believe you asked, it's no bother at all. A specific license is issued for any byproduct material that does not meet the requirements for a general license. Owners of the particular type of material usually have possession of the material but must have either a general or specific license for the byproduct material depending upon amount and/or type of use. If you have further questions, please don't hesitate to ask! I'm here until Feb. 4 and after that Dr. Dennis Sollenberger (301-415-2819 or [dms4@nrc.gov](mailto:dms4@nrc.gov)) will be your point of contact. It's been a pleasure working with you.

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-Jenny

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M/53

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>>> "Richard Peros" <[Richard.Peros@dep.state.nj.us](mailto:Richard.Peros@dep.state.nj.us)> 1/16/2008 1:19 PM >>>

Ms. Tobin - Sorry to bother you, but another part of what we're adopting has us scratching our heads. Specifically, 10 CFR 31.9(underlines added for emphasis):

the first sentence says a general license is issued to own byproduct material without regard to quantity, but the second sentence says the general licensee is not authorized to manufacture, ..., possess, ...byproduct material except under a specific license.

So, how can you own as much as you want (no limitation?) as a general licensee, but not possess what you own, unless you're specifically licensed?

Since I have to explain this to our lawyers, I thought it would be good if I had this straight, which I don't at the moment.

Thanks for any clarification you can provide.