

From: [McIntosh, Angela](#)
To: [James M. Burnham](#)
Cc: [Cai, June](#); [Owens, Janice](#)
Subject: Response to Question About the Level of Acceptable Trace Radiation in Imported Products
Date: Wednesday, March 30, 2011 10:37:00 AM
Attachments: [image001.gif](#)
[image002.gif](#)

Mr. Burnham: this is in response to your question concerning what would be the U.S. government's response to the identification of an imported consumer product containing trace levels of radiation. You wanted to know if there is a level at which the U.S. government would consider the import unsafe and reject it. (Your entire question is in context below).

I have consulted with Ms. Janice Owens, Chief of the Export Controls and International Organizations Branch in NRC's Office of International Programs in the provision of the following response.

The answer depends on the type of consumer product that is contaminated, the radiation level detected, and whether the U.S. Customs and Border Protection (CPB) finds it suspicious and/or a public health, safety or environmental hazard. In the latter case, CBP would immediately seize and isolate the shipment or the items in question. If determined to be too dangerous to return to the sender, it would be sent to a licensed disposal facility in the U.S. If CBP determines that the product is not immediately dangerous (e.g., it appears to have been inadvertently contaminated), they might alert the US consignee and give them the option of accepting or rejecting the shipment. If rejected, the items might be returned to the sender. If the U.S. consignee accepts the shipment, the items become their responsibility. CBP has established lines of communications with the NRC, the Environmental Protection Agency and other Federal agencies to address these types of issues.

Importers of certain products (e.g., irradiated gemstones) must be authorized to possess them under a valid NRC or Agreement State¹ license or they must be authorized by the NRC to distribute them under an NRC exempt distribution license. If the US importer has the appropriate domestic authorizations, then the import would be authorized under an NRC general import license in 10 CFR 110.27. Once in the U.S., it is subject to domestic regulations. If the U.S. consignee is not appropriately authorized, they would be in violation of U.S. requirements and subject to NRC enforcement action.

If a contaminated product is being imported solely for disposal or processing prior to disposal, it could be considered radioactive waste if not excluded from the definition of radioactive waste in 10 CFR 110.2. To import radioactive waste, a specific NRC import license is required.

If the quantity of radioactive material is less than the amount that would require an NRC or Agreement State license, then it would not be subject to NRC import licensing. In other words, if exempt from or not regulated by NRC or an Agreement State, it is not subject to NRC import licensing.

I hope this is responsive to your question. However, if you have any more questions, please feel free to contact Ms. Owens directly at 301-415-3684, or Janice.Owens@nrc.gov

Best Regards,

Angela R. McIntosh

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¹ Agreement States are those States that have entered into a formal agreement with the NRC, by which those States have assumed regulatory responsibility over certain byproduct, source, and small quantities of special nuclear material. Click the following link to locate a listing of the Agreement States: <http://nrc-stp.ornl.gov/>

From: James M Burnham [<mailto:jmburnham@jonesday.com>]

Sent: Monday, March 28, 2011 12:04 PM

To: McIntosh, Angela

Subject: Trace Radiation

Ms. McIntosh:

As I explained on the phone, we are trying to find out what level of trace radiation would cause a product that does not normally emit radiation--like a car wheel or a toaster--to be deemed "unsafe" and denied entry into the United States. I know that CPB's scanners can detect tiny amounts of radiation (like the amount in a banana) and that if something triggers a scanner, the product goes to a secondary review. My question is what standards the government then uses to decide whether that product will be admitted into the country (i.e., if it is 20x background it can't come in, etc.).

Any guidance you can provide would be extremely helpful. Thank you in advance for your time.

Warm regards,

James Burnham

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