



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 7, 2013

Sean C. Chapel
President
International Radiation Safety Consulting, Inc.
7 Cabot Place, 3rd Floor
Stoughton, Massachusetts 02072

SUBJECT: RESPONSE TO LETTER DATE AUGUST 29, 2013

Dear Mr. Chapel:

I am writing in response to your letter dated August 29, 2013 regarding sales of products, not requiring sealed source and device registrations, to licensed Federal government agencies or U.S. military licensees (Agencywide Documents Access and Management System (ADAMS) ML13259A185). In your letter, you asked if a licensee without a distribution license is permitted to sell such an unregistered product to either a U. S. government agency with a U. S. Nuclear Regulatory Commission (NRC) broadscope license or a U. S. Military branch with a master materials license or any other type license. Pursuant to NRC regulations, such activity is not permitted for a licensee without a distribution license. Please note that while users of exempt products do not need a license, the manufacturers or distributors of exempt products do need the appropriate licenses to distribute these products. This requirement applies even in the case where the user is a licensed government entity.

In accordance with 10 CFR 30.32 and 30.33, in order to receive and possess byproduct material for use in any manufacturing or distribution activities, a specific license is required. The distribution, under 10 CFR Parts 32 through 37 and 39, of any product containing radioactive material requires authorization in the form of an exempt distribution license.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

S. Chapel

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ADAMS is accessible from the NRC Web site at:
<http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have questions, please contact me at (301) 415-1727, or electronic mail:
Margie.Kotzalas@nrc.gov.

Sincerely,



Margie Kotzalas, Branch Chief
Licensing Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs