

**Memorandum of Cooperation Between
the United States Nuclear Regulatory Commission
and
the United Mexican States Comision Nacional de Seguridad Nuclear y Salvaguardias
for Import and Export of Certain Radioactive Sources**

The United States Nuclear Regulatory Commission (hereinafter referred to as the "NRC") and the United Mexican States Comision Nacional de Seguridad Nuclear y Salvaguardias (hereinafter referred to as the "CNSNS") hereby establish the following Memorandum of Cooperation (hereinafter referred to as the "Memorandum"), consistent with paragraph 20(n) of the International Atomic Energy Agency (IAEA) *Code of Conduct on the Safety and Security of Radioactive Sources* (hereinafter referred to as the "Code") and paragraph 6 of the International Atomic Energy Agency *Guidance on the Import and Export of Radioactive Sources* (hereinafter referred to as the "Guidance").

The NRC is authorized under paragraphs 21(1)(a) and (f) of the Nuclear Safety and Control Act to enter into such an arrangement.

The CNSNS is authorized under Articles 29, 50 (Section I, II, III, IX, and XI), and 51 of the Regulatory Law of Article 27 of the Constitution in Nuclear Matters, and Articles 34 (Section I, IV, and V), 37, 38 and 39 (Section III) of the Internal Regulations of the Ministry of Energy, to enter such an Arrangement.

Section 1. Purpose

The purpose of this Memorandum is to ensure that exports and imports of radioactive sources between the United Mexican States and the United States of America are consistent with the Code and Guidance, to facilitate the sharing of information related to imports and exports of radioactive sources and bulk material as well as to harmonize regulatory approaches in authorizing imports and exports of radioactive sources and bulk material.

Section 2. Definitions

1. In this Memorandum:

- a) "radioactive source" means radioactive material that is permanently sealed in a capsule or closely bonded, in a solid form. It also means any radioactive material released if the radioactive source is leaking or broken, but does not mean material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors;
- b) "Category 1 radioactive sources" means radioactive sources of the first sixteen radionuclides of Category 1 in Table I of Annex I to the Code;

- c) "Category 2 radioactive sources" means radioactive sources of the first sixteen radionuclides of Category 2 in Table I of Annex I to the Code;
 - d) "Bulk material" means any quantity of any one or more of the first sixteen radionuclides of Table I of Annex I to the Code in a form that is:
 - a. not a Category 1 radioactive source;
 - b. not a Category 2 radioactive source;
 - c. not Pu-238; and
 - d. deemed by the NRC as posing a risk similar to or greater than a Category 2 radioactive source.
 - e) "Authority" means either the NRC or the CNSNS (together, the "Authorities");
 - f) "Exporting Authority" means the Authority in the country exporting a radioactive source. For the purpose of Annex A, the Exporting Authority represents the Exporting State;
 - g) "Importing Authority" means the Authority in the country importing a radioactive source. For the purpose of Annex A, the Importing Authority represents the Importing State;
 - h) "Consent" means a response in the affirmative by the Importing Authority to a "Request for Consent" made by the Exporting Authority and, for greater certainty, is not an import "authorization" as defined in the Code; and
 - i) "Request for Consent" means a request by the Exporting Authority to the Importing Authority for consent to receipt of a Category 1 source and a confirmation that a potential recipient of a radioactive source is authorized to receive and possess the radioactive source in accordance with the national laws of the importing country.
2. Annex A to this Memorandum reflects the form provided by IAEA for use by Authorities for the purpose of importation consent pursuant to the Code and the Guidance.
 3. All other terms used in this Memorandum, where they are defined in the Code or Guidance, have the same meaning as defined in the Code or Guidance.

Section 3. Exports and Imports between the United Mexican States and the United States of America

CNSNS and the NRC intend to apply the following procedures:

1. For export and import of Category 1 radioactive sources:

- a) Prior to authorizing the export of any Category 1 radioactive source between the United Mexican States and the United States of America, the Exporting Authority is to request Consent from the Importing Authority to the import of the radioactive source by providing a completed Annex A duly signed. Each Request for Consent is to be made sufficiently in advance of the proposed transfer to allow time for the assessment required by the Importing Authority. The Importing Authority is to respond to the Exporting Authority within the suggested time frame in the Request for Consent by returning the Request, completed and duly signed. Under normal circumstances, the suggested time frame for a decision on the Request for Consent should be within fourteen (14) calendar days.
 - b) Upon receipt of the Request for Consent, should the Importing Authority anticipate it is unable to provide a final response within the suggested time frame for a decision, the Importing Authority is to advise the Exporting Authority and provide an alternate time frame for the final response.
 - c) The period of validity for the export authorization issued by the Exporting Authority is not to exceed the period of validity specified in the Consent provided by the Importing Authority.
 - d) The Exporting Authority should endeavor to ensure, through its export authorization process, that the Importing Authority is provided the information identified in Annex B prior to each export of any Category 1 radioactive source. Effort should be made that such notifications are made at least 7 calendar days in advance of the export, and, in any event, no less than 24 hours in advance of the export.
2. For exports and imports of Category 2 radioactive sources, the Exporting Authority should endeavor to ensure, through its export authorization process, that the Importing Authority is provided the information identified in Annex B prior to each export of any Category 2 radioactive source. The Authorities should endeavor to make such notifications at least 7 calendar days in advance of each export, and, in any event, no less than 24 hours in advance of the export.
3. The CNSNS hereby provides to the NRC Consent to the import into CNSNS of "bulk material" as defined in Section 2(1)(d) of this Memorandum. This Consent is intended to satisfy paragraphs 6, 7 and 14 of the Guidance.
4. In the event that there is a change to the conditions of the Consent that the Importing Authority provides to the Exporting Authority, such as through license suspension or revocation of a recipient's authorization, the Importing Authority is to advise the Exporting Authority, in a timely fashion, to allow the Exporting Authority the opportunity to take appropriate action. The Exporting Authority is to acknowledge receipt of this advisement and inform the Importing Authority of any action to be taken by the Exporting Authority.

5. In the event that exports or imports of Category 1 and 2 radioactive sources are observed by either Authority to have been conducted in a manner inconsistent with this Memorandum, the observation is to be provided to the other Authority. The Authority is to acknowledge receipt of this advisement.

Section 4. Information Exchange

1. The exchange of information in Annex A and Annex B may be accomplished by post, facsimile, electronic mail, or other appropriate means approved by the points of contact, bearing in mind the level of confidentiality associated with the information.
2. The Authorities intend to respect paragraph 17 of the Code and paragraph 21 of the Guidance and to share relevant information they believe would assist each other in harmonizing implementation of export and import controls on radioactive sources.

Section 5. Administration

1. Each Authority is solely responsible for its own costs in the implementation and administration of this Memorandum

Section 6. Points of Contact

1. The points of contact pursuant to this Memorandum are as follows:

NRC
Mr. Mark R. Shaffer

Deputy Director
Office of International Programs
U.S. Nuclear Regulatory Commission
MS O4 E21
Washington, DC 20555
USA

Telephone: +1 301 415 2344
Facsimile: +1 301 415 2395
Email: hoo.hoc@nrc.gov

CNSNS

Mr. Alejandro Cortes Carmona
Director de Evaluación y Licenciamiento
Comisión Nacional de Seguridad Nuclear y
Salvaguardias
Dr. Barragán 779, Colonia Narvarte
03020
México

Telephone: +52 55 50 95 3226
Facsimile: +52 55 50 95 3292
Email: acortes@cnsns.gob.mx

2. Any change in the points of contact is to be communicated to the other Authority in a timely fashion.

Section 7. Administrative Matters

1. This Memorandum becomes effective upon signature by both Authorities and remains effective until either Authority provides the appropriate written notice to the other Authority of its intent to cease cooperation as set forth in Section 7.2.
2. Either Authority may discontinue this Memorandum by providing the other Authority with written notice of its intent to discontinue and should endeavor to provide at least six months' prior notice to the other Authority of its intent to do so.
3. In the event of the discontinuance of this Memorandum, the CNSNS and the NRC intend to continue to treat all information shared under consistent with Section 4 of this Memorandum.
4. This Memorandum may be modified by the mutual written consent of both Authorities.

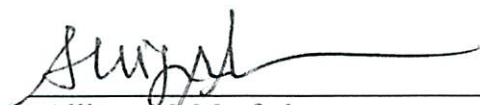
Section 8. Date and Signatures

1. The foregoing record represents the understandings reached between the CNSNS and the NRC upon the matters referred to therein.


Signed in duplicate in Vienna, Austria on September 18, 2012, in the English and Spanish languages.

For the United States Nuclear Regulatory
Commission:


For the Comision Nacional de Seguridad
Nuclear y Salvaguardias:



Allison M. Macfarlane,
Chairman



Juan Eibenschutz,
Director General

CERTIFIED A TRUE COPY
BY 
Office of the Secretary

ANNEX A

REQUEST TO THE IMPORTING STATE FOR CONSENT TO IMPORT CATEGORY 1 RADIOACTIVE SOURCES OR TO IMPORT CATEGORY 1&2 SOURCES UNDER EXCEPTIONAL CIRCUMSTANCES Pursuant to Paragraphs 6, 7, 8, 14, 15 & 16 of the IAEA Guidance on the Import and Export of Radioactive Sources, and Paragraphs 23-25 of the Code of Conduct on the Safety and Security of Radioactive Sources

PART A: Information provided by the Exporting State to the Importing State		
1	Unique identifier for the consent request:	
2	Name of recipient:	
3	Recipient location and legal address or principal place of business:	
4	Radionuclides and radioactivity:	
5	Suggested timeframe for a decision on the request:	
6	Additional remarks (optional):	
7	Name and Organization of representative of Exporting State:	
8	Signature of representative for the Exporting State:	
9	Date:	

Part B: Information provided by the Importing State to the Exporting State		
NOTE: PLEASE COMPLETE 10(a) OR 10 (b) OR 10 (c) BELOW		
10 (a)	<input type="checkbox"/> CONSENT GRANTED FOR THE IMPORT OF RADIOACTIVE SOURCES DESCRIBED IN ITEM 4 (pursuant to Paragraphs 6, 7)	
	Period of validity of consent:	
10(b)	<input type="checkbox"/> CONSENT GRANTED UNDER EXCEPTIONAL CIRCUMSTANCES (pursuant to Paragraph 15)	
	Period of validity of consent:	
10(c)	<input type="checkbox"/> CONSENT NOT GRANTED	
11	If consent is granted in 10 (a), then complete this item (pursuant to Paragraph 8) <input type="checkbox"/> CHECK THIS BOX TO CONFIRM RECIPIENT IS AUTHORIZED TO RECEIVE AND POSSESS THE SOURCE(S) DESCRIBED IN ITEM 4 Or <input type="checkbox"/> ATTACH A COPY OF RECIPIENT AUTHORIZATION TO RECEIVE AND POSSESS THE SOURCE(S) DESCRIBED IN ITEM 4	
12	Additional Remarks (optional):	
13	Name and Organization of representative of Importing State:	
14	Signature of representative for the Importing State:	
15	Date:	

ANNEX B

NOTIFICATION PRIOR TO SHIPMENT
OF CATEGORY 1 OR 2 RADIOACTIVE SOURCES

Pursuant to Paragraphs 9 and 12 of
The IAEA Guidance on the Import and Export of Radioactive Sources

To:

[NAME AND COORDINATES OF IMPORTING AUTHORITY]

- 1) Unique identifier (identical to that specified in corresponding Annex A)
- 2) Estimated date of export
- 3) Name of Exporter
- 4) Name and Location of Recipient (Importer)
- 5) Name and Location of Recipient (Importer)
- 6) Radionuclides and radioactivity
- 7) Number of radioactive sources (and, if available, any additional tracking identifiers as appropriate)
- 8) Aggregate activity level

Signature of appropriate representative for the
exporter

Date