

April 23, 2008

MEMORANDUM TO: The File

FROM: Stephen Dembek, Branch Chief */RA/*
Export controls and International Organizations
Office of International Programs

SUBJECT: ISSUANCE OF LICENSE AMENDMENT WITHOUT
WAITING FOR EXPIRATION OF 30 DAYS PUBLIC
NOTICE FOR COMBINED IMPORT AND EXPORT
LICENSE CBP14a-3 TO ADD LOCATIONS IN HUNGARY
AND SOUTH AFRICA

On December 28, 2005, NRC issued license CBP14a to Source Production & Equipment Company (SPEC), which authorized the import of Category 1 quantities of Iridium-192 to Canada, the Netherlands, Russia and Sweden contained in special form used in the manufacture of industrial gamma radiography sealed sources; and authorized the import and export of Category 2 quantities of Iridium-192 and Cobalt-60 contained in sealed sources used in industrial gamma radiography in the Antilles, Argentina, Bolivia, Brazil, Canada, Singapore, South Africa, South Korea and Thailand.

Since the initial license was issued the following amendments were made:

- CBP14a-01 authorized adding Australia, Austria, Bangladesh, Belarus, Belgium, Bulgaria, China, Denmark, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Kazakhstan, Kuwait, Latvia, Lithuania, Luxembourg, New Zealand, Niger, Norway, Paraguay, Philippines, Poland, Portugal, Romania, Russia, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom, Vietnam, and Yemen, as countries of ultimate destination.
- CBP14b-02 added the authority to export Selenium-75, Ytterbium-169; and extend the expiration date from August 31, 2007 to August 31, 2009.

In a letter dated April 16, 2008 and made available to the public in NRC's Public Document Room (i.e., Agencywide Documents Access and Management System [ADAMS]) on April 18, 2008, SPEC requested Amendment No. 03 to license CBP14 to add two companies, Institute of Isotopes (Hungary) and Gammatech NDT Supplies (South Africa) as additional locations to receive material. SPEC also noted that their primary supplier of Iridium-192 in Russia has been shut down for several months and given that Iridium-192 has a half-life of 74 days (and is only useful for a few half-lives) has requested that NRC issue the license without waiting for 30 days to expire after the application is posted in ADAMS.

The OIP procedure of allowing 30 days to expire before issuing a license is based on 10 CFR 110.82, which states that the NRC will consider an intervention petition or hearing request as timely, only if it is filed not later than 30 days from the date an application is made available to the public. Since this particular amendment only involves adding new facilities to countries already listed on the face of the license, it is not unreasonable in this instance to depart from the standard procedure and expedite issuance of this amendment. In the unlikely event that an intervention petition or hearing request is filed in a timely fashion, OIP will immediately consult with OGC and take appropriate action.

The NRC staff has completed its review and concluded that the proposed export is not inimical to the common defense and security. The staff notes that neither Executive Branch views nor recipient government to government consent are required for this minor amendment.

The waiver of these 30 days is issued pursuant to 10 CFR 110.10. I have concluded that this waiver is authorized by law, is not inimical to the common defense and security, and does not constitute an unreasonable risk to the public health and safety.

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