

January 15, 2010

MEMORANDUM TO: The File

FROM: Janice E. Owens, 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 IMPORT  
LICENSE PIB32.03

On December 16, 2009, NSSI/Sources and Services, Inc. (NSSI) submitted an application to the Office of International Programs (OIP) requesting Amendment No. 03 to their current license (IBP32-2) to extend the expiration date for imports of Category 2 quantities of Am-241 and Am-241/Be. NSSI also requested adding authorization for imports of Category 2 quantities of Co-60, Cs-137, Ir-192, Ra-226, Pu-238, and Sr-90 contained in sealed sources, as well as Category 1 quantities of Sr-90 contained in thermoelectric generators. In addition to the previously authorized countries of origin for the imports, NSSI also asked to add Armenia, Bangladesh, Belarus, Belgium, Costa Rica, Dominican Republic, Finland, Ghana, Guyana, Honduras, Ireland, Israel, Lithuania, Nicaragua, Panama, Paraguay, Portugal, Serbia, Sri Lanka, Sweden, Switzerland, Ukraine, United Kingdom and Uruguay, to their amended license.

On January 9, 2010, NSSI submitted a request for expedited review of this amendment application because they are scheduled to receive a shipment of Am-241 from Russia under contract in late January. They are no longer authorized to import under import license (IBP32-2) because they failed to submit the amendment request at least 30 days prior to expiration of their previous license.

After discussing the issues with staff, on January 12, 2010, NSSI submitted a revised cover letter requesting to limit the scope of the currently pending amendment application to extending the expiration date of their license. Because this revised submission is now a minor amendment, NSSI will be refunded \$3,330 (\$4,100 less \$770). The original application was made available to the public in NRC's Public Document Room (i.e., Agencywide Documents Access and Management System [ADAMS]) on December 16, 2009; similarly, the request to revise the amendment was made available to the public on January 13, 2010.

OIP's license application review procedure normally allows for 30 days to lapse after the 10 CFR Section 110.70 notice is posted at the NRC Website. The Commission encourages written comments per 10 CFR Section 110.81 from the public regarding export and import license applications, and will consider, if appropriate, to respond to these comments. As specified in 10 CFR Section 110.82, NRC will consider an intervention petition or hearing request as timely only if it is filed less than 30 days from the date an application is made available to the public.

OIP has concluded that issuing the minor amendment to this import license (PIB32.03) 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. OIP has informed NSSI that in the event

someone in the public submits substantive comments or requests a hearing regarding the amendment to this license, NSSI may have to cease all activity against this license amendment until the issue has been reviewed and appropriately addressed.

