



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

May 7, 2015

Mr. Alan Gilbert  
Instro Tek, Inc.  
5908 Triangle Drive  
Raleigh, NC 27617

Dear Mr. Gilbert:

The U.S. Nuclear Regulatory Commission (NRC) is returning without further action the application XB1332/01 (enclosed) for a license amendment to extend the expiration date and change the licensee's point of contact. License XB1332 expired on February 28, 2015, and no longer authorizes the export of material to Iraq.

The reason for the return, as discussed in the enclosed email exchanges, is that the NRC determined it was necessary to raise the review level of your application from the original minor amendment to the Executive Branch review level due to the current security situation in Iraq. Consequently, the processing fee increased from \$1,400 to \$9,800, and you elected not to go forward with the application process.

As the NRC had already started processing the application, we cannot refund your licensing fee submitted for \$1,400. If you have further questions regarding this application, please contact Jane Chimood at (301) 415-1575.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooke G. Smith".

Brooke G. Smith, Chief  
Export Controls and Nonproliferation Branch  
Office of International Programs

Enclosures:

1. Application XB1332/01  
Dated 01/26/2015
2. Emails

## Chimood, Jane

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**From:** Chimood, Jane  
**Sent:** Monday, May 04, 2015 2:17 PM  
**To:** Chimood, Jane  
**Subject:** FW: License Amendment Application XB1332/01 to Iraq

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**From:** Alan Gilbert [<mailto:agilbert@instrotek.com>]  
**Sent:** Friday, May 01, 2015 9:26 AM  
**To:** Chimood, Jane  
**Subject:** RE: License Amendment Application XB1332/01 to Iraq

Jane,  
I just wanted to affirm that since we elected not to move forward to the Executive Branch review that we cannot ship to Iraq using this license.  
Thank you,

Alan Gilbert  
Product Manager  
(p) 919.875.8371 | (m) 910.520.3250 | (f) 919.875.8328  
5908 Triangle Drive | Raleigh, NC 27617  
Skype: Alan.Gilbert458

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**From:** Chimood, Jane  
**Sent:** Thursday, April 16, 2015 10:47 AM  
**To:** [agilbert@instrotek.com](mailto:agilbert@instrotek.com)  
**Subject:** RE: License Amendment Application XB1332/01 to Iraq

Alan,  
As the NRC had already started processing your application XB1332/01, and based on the Regulation, 10 CFR Part 170.12, we cannot refund your licensing fee for \$1,400. Please refer to the excerpt below and let me know if you have any questions.

Thank you.  
Jane

### § 170.12 Payment of fees.

(a) **Application and registration fees.** Each application or registration for which a fee is prescribed must be accompanied by a remittance for the full amount of the fee. The NRC will not issue a new license or an amendment increasing the scope of an existing license to a higher fee category before receiving the prescribed application fee. The application or registration fee(s) is charged whether the Commission approves the application or not. The application or registration fee(s) is also charged if the applicant withdraws the application or registration.

(b) **Licensing fees.**

(1) Licensing fees will be assessed to recover full costs for—

- (i) The review of applications for new licenses and approvals;
- (ii) The review of applications for amendments to and renewal of existing licenses or approvals;
- (iii) Preapplication consultations and reviews; and
- (iv) The full cost for project managers assigned to a specific plant or facility, excluding leave time and time spent on generic activities (such as rulemaking).

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**From:** Chimood, Jane [<mailto:Jane.Chimood@nrc.gov>]  
**Sent:** Thursday, April 09, 2015 4:55 PM  
**To:** [agilbert@instrotek.com](mailto:agilbert@instrotek.com)  
**Subject:** FW: License Amendment Application XB1332/01 to Iraq

Alan,

Our Office of Chief Financial Officer is still working on the question whether the NRC is able to refund the \$1400, and I will get back to you as soon as I hear from them.

Regards,  
Jane

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**From:** Alan Gilbert [<mailto:agilbert@instrotek.com>]  
**Sent:** Wednesday, March 25, 2015 4:36 PM  
**To:** Chimood, Jane  
**Subject:** RE: License Amendment Application XB1332/01 to Iraq

Jane,

At this time the fees would be outside of our budgeted expenses.  
If we decline to go forward would we be refunded the \$1400.00?  
Thank you,

Alan Gilbert  
Product Manager  
(p) 919.875.8371 | (m) 910.520.3250 | (f) 919.875.8328  
5908 Triangle Drive | Raleigh, NC 27617  
Skype: Alan.Gilbert458

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**From:** Chimood, Jane [<mailto:Jane.Chimood@nrc.gov>]  
**Sent:** Monday, March 16, 2015 3:13 PM  
**To:** [agilbert@instrotek.com](mailto:agilbert@instrotek.com)  
**Cc:** Freeman, Stanley  
**Subject:** FW: License Amendment Application XB1332/01 to Iraq

Hi Alan,

This is to inform you that, after much consideration, the U.S. Nuclear Regulatory Commission has determined to raise your export license amendment application XB1332/01 from minor amendment to the Executive Branch review level, due to the current uncertain security situation in Iraq. The processing fee for an Executive Branch review level application is \$9,800.

Please submit the additional fee of \$8,400 (\$9,800 - \$1,400) if this is acceptable with you.

Please feel free to let me know if you have any questions.

Jane

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**From:** Chimood, Jane

**Sent:** Friday, February 13, 2015 10:45 AM

**To:** [agilbert@instrotek.com](mailto:agilbert@instrotek.com)

**Subject:** License Amendment Application XB1332/01 to Iraq

Alan,

This is a follow-up to our conversation regarding export license amendment application XB1332/01 for the export of byproduct material to Iraq. Please be aware that the NRC may raise the review of this application to a higher level, due to the current Iraq political situation. If the NRC escalates the review to a Commission level the processing fee would be \$18,200. I will provide you with an update as soon as I have further information.

Thank you for your attention to this matter.

Jane Chimood

Licensing Officer

Office of International Programs

Phone: (301) 415-1575

Email: [Jane.Chimood@nrc.gov](mailto:Jane.Chimood@nrc.gov)