



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, DC 20555 - 0001

August 11, 2011

Ideal Source Quality Assurance, LLC  
ATTN: Dr. William Yelon  
409 Vandiver, Bldg. 4, Suite 200  
Columbia, Missouri 65202

Mail Control No. 575543

Subject: U.S. Nuclear Regulatory Commission Exempt Distribution License No. 24-32675-02E

Dear Mr. Yelon:

This is in reference to your email dated July 7, 2011, requesting amendments to your U.S. Nuclear Regulatory Commission (NRC) Exempt Distribution License No. 24-32675-02E. As requested, we have amended your license to indicate your change of address.

You also informed us of the closure of the office of Ideal Source International, which was listed as a destination for the cleared stones in the original license application. You stated that the cleared stones are no longer stored in the United States, but the testing and clearance for U.S. release continues to be carried out at the office of Ideal Source Quality Assurance in Columbia MO. Given that the NRC will have access that office to verify procedures and examine stones that have been tested and cleared for release, it is not necessary to amend your license to reflect this change, other than to list your July 7, 2011, email as a license condition.

You also requested an exemption from the requirements in 10 CFR 32.11(c) which specifies that the concentrations of byproduct material at the time of transfer will not exceed the concentrations in § 30.70. We are unable to approve this request for the reasons set forth below.

Section 30.70, Schedule A--Exempt concentrations, provides that the exempt concentration for solids is  $1 \times 10^{-6}$   $\mu\text{Ci/g}$  for beta and/or gamma emitting byproduct elements not listed (by name in the table) with half-life less than three years. Therefore, the exempt concentration of Na-22, with a half-life of approximately 2.6 years, is  $1 \times 10^{-6}$   $\mu\text{Ci/g}$ .

Furthermore, the exemption applies to the person who receives the product from a licensed distributor, not to the licensee, as evidenced by 10 CFR 30.14 (a), (c), and (d):

Paragraph 30.14 (a) states: "Except as provided in paragraphs (c) and (d) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and parts 31 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing byproduct material in concentrations not in excess of those listed in § 30.70." Paragraph 30.14 (c) states: "A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and parts 31 through 36 and 39 of this chapter to the extent that this person transfers byproduct material contained in a product or material in concentrations not in excess of those specified in § 30.70 and introduced into the product or material by a licensee holding a specific license issued by the Commission expressly authorizing such introduction. This exemption does not

apply to the transfer of byproduct material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being." Paragraph 30.14 (d) states: "No person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under this section or equivalent regulations of an Agreement State, except in accordance with a license issued under § 32.11 of this chapter."

For the reasons stated above, and in accordance with 10 CFR 32.11, your request to amend License No. 24-32675-02E cannot be approved.

Any correspondence regarding this amendment application should reference the control number specified above.

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). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, you may contact me at (301) 415-5477, or by electronic mail at [richard.struckmeyer@nrc.gov](mailto:richard.struckmeyer@nrc.gov).

Sincerely,

Richard K. Struckmeyer  
Licensing Branch  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs  
Washington, DC 20555

Docket No. 030-37567  
Enclosures: License No. 24-32675-02E

cc: Ostro Minerals (UK) LTD  
ATTN: Mr. Maurice Ostro, Chairman  
62 Grosvenor Street  
London, W1K 3JF, United Kingdom

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Sincerely,

**/RA/**

Richard K. Struckmeyer  
Licensing Branch  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs  
Washington, DC 20555

Docket No. 030-37567  
Enclosures: License No. 24-32675-02E

cc: Ostro Minerals (UK) LTD  
ATTN: Mr. Maurice Ostro, Chairman  
62 Grosvenor Street  
London, W1K 3JF, United Kingdom

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