



**Welding Material Sales, Inc.**

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October 28, 2019

ATTN: Document Control Desk  
Director, Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

To whom it may concern,

Pursuant to 10 CFR 40.42(d)(3), I am notifying my intent to keep our license although we have not used it. See attached License Number 12-35448-01E. My company obtained this license initially to ensure uninterrupted supply of tungsten welding electrodes that we currently sell/distribute. Our current supplier has a license which is the one currently being used to import said product, but we need a back up plan if relations with that supplier are no longer mutually beneficial (for example they raise pricing unfairly or unable to supply the product). Coincidentally, we are currently exploring other sources and may have to use our license in 2020.

Please let me know if this is not clear or if you require additional information.

Regards,

Brian DePaul  
President  
Welding Material Sales, Inc.  
888-905-6737 ext 104  
[bdepaul@weldingmaterialsales.com](mailto:bdepaul@weldingmaterialsales.com)

NMSS03

## U.S. NUCLEAR REGULATORY COMMISSION

## MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 70 and 71, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

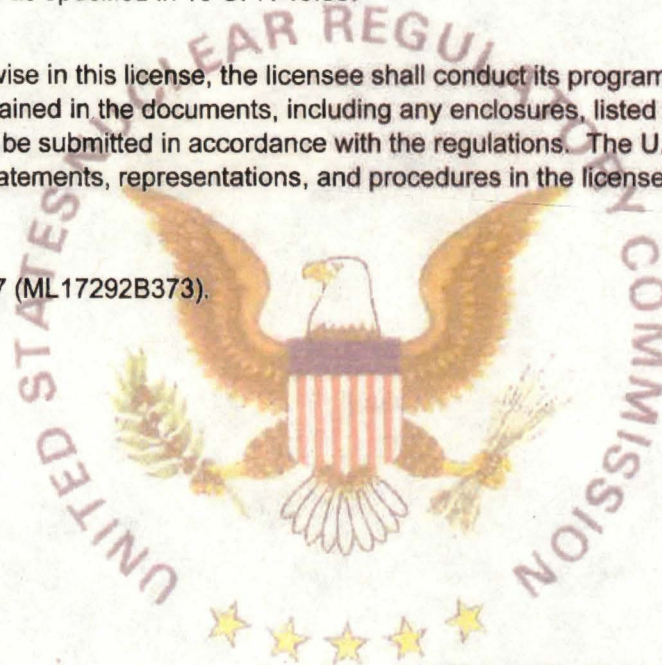
Licensee 1. Welding Material Sales, Inc.  2. P.O. Box 786 Geneva, IL 60134		In accordance with application dated October 17, 2017.  3. License number: 12-35448-01E  4. Expiration Date: November 30, 2032  5. Docket No.: 040-38399 Reference No.:	
6. Byproduct, source, and/or special nuclear material  A. Thorium	7. Chemical and/or physical form  A. Alloy	8. Maximum amount that licensee may possess at any one time under this license  A. No Possession Authorized	9. Authorized use  A. In accordance with 10 CFR 40.52, the licensee is authorized to distribute pre-packaged tungsten electrodes, containing not more than 4% thorium, to persons exempt from licensing under 10 CFR 40.13(c)(1)(iii), or equivalent regulations of any Agreement State.
<b>CONDITIONS</b>			
10. The licensee may distribute licensed material from its facilities located at 1340 Reed Road, Geneva, Illinois, 60134			
11. This license does not authorize possession or use of licensed materials.			



**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
12-35448-01EDocket or Reference Number  
040-38399

12. The licensee shall file periodic reports as specified in 10 CFR 40.53.
13. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

A. Application dated October 17, 2017 (ML17292B373).



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: November 14, 2017

By: \_\_\_\_\_

Shirley S. Xu  
Headquarters



**bdepaul@weldingmaterialsales.com**

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**From:** Draper, Jason <Jason.Draper@nrc.gov>  
**Sent:** Friday, October 25, 2019 11:15 AM  
**To:** bdepaul@weldingmaterialsales.com  
**Subject:** Requirements of 10 CFR 40.42

Mr. DePaul,

As we discussed on the phone, here is a link to the requirement to notify us when you have not conducted principal activities for a period of 24 months: <https://www.nrc.gov/reading-rm/doc-collections/cfr/part040/part040-0042.html>

While the requirement is geared toward ensuring timely and effective decommissioning, it is not limited to those licensees who have a license to possess material, so it also applies to your license to initially distribute exempt material. The specific requirement that applies to you would be 10 CFR 40.42(d)(3), which basically states that within 60 days of no principal activities being conducted for 24 months, you are required to notify the NRC in writing and begin decommissioning. Since decommissioning does not apply to you, I would recommend including in your notification why you have not performed principal activities under your license, why you wish to maintain your license, and what your plans going forward with regard to licensed activities are.

This written notification should be mailed to the address contained in [10 CFR 40.5\(a\)\(1\)](#):

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Director, Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

If you have any questions, feel free to contact me.

Jason Draper  
Health Physicist (Inspector)  
NRC/RIII/DNMS/MIB  
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