



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

February 12, 2013

Docket No. 03022060
Control No. 579880

License No. 06-20775-01

Art Palmer
Director, Radiological Services
EnergySolutions
1009 Commerce Park Drive
Suite 100
Oak Ridge, TN 37830

SUBJECT: ENERGYSOLUTIONS, REQUEST FOR ADDITIONAL INFORMATION
CONCERNING APPLICATION FOR AMENDMENT TO LICENSE, CONTROL
NO. 579880

Dear Mr. Palmer:

This is in reference to your letter dated January 18, 2013 (ADAMS Accession No. ML13030A221) requesting the Nuclear Regulatory Commission consent to the indirect transfer of control of NRC License No. 06-20775-01. In order to continue our review, we need the following additional information:

1. Your license currently lists a mailing address in Danbury, Connecticut. However, the letterhead used in your letter dated January 18, 2013 clearly indicates an Oak Ridge, Tennessee address. In addition, our last inspection conducted in 2011 indicates that your Radiation Safety Officer and all radiation safety records are physically located in Tennessee. The inspector first visited your Connecticut address only to be re-directed to a location in Tennessee. The NRC performs unannounced safety inspections and this cannot be accomplished if we are directed to the wrong address. Please provide the Tennessee address as you would like it to appear on your license, so that your license clearly and accurately maintains the current location of your Radiation Safety Officer and radiation safety records. The NRC needs to assure that we maintain the most up-to-date mailing addresses to be able to send your Radiation Safety Officer all the necessary correspondence in a timely manner.
2. It appears from your letter that a possible change of ownership (control) has already occurred.

10 CFR 30.34(b)(1) states, "No license issued or granted pursuant to the regulations in this part and parts 31 through 36, and 39 nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing."

Licensees must provide full information and obtain NRC's **prior written consent** before transferring control of the license. Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and thus the direction of the activities under the license. A transferee is an entity that proposes to purchase or otherwise gain control of an NRC-licensed operation. A transferor is an NRC licensee selling or otherwise giving up control of a licensed operation. Based on Section 5.1.1 of Attachment 1 to your letter dated January 18, 2013, it appears this transaction occurred on January 7, 2013. This appears to be an apparent violation of 10 CFR 30.34(b).

Please provide an explanation as to the delay in notifying the NRC and any taken and/or planned corrective actions to prevent recurrence in the future.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits**, see our **toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 579880. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5251.

Your letter dated January 18, 2013 indicated that you require NRC's consent by no later than March 1, 2013. In order for us to process this request in a timely manner, we will need your response to this letter in our hands by February 22, 2013 to make the March 1 deadline.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

Sincerely,

Original signed by Kathy Modes

Kathy Modes
Senior Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety

cc:
Michael Carr, Radiation Safety Officer

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