

**SAFETY EVALUATION REPORT  
CHANGE OF CONTROL AND CHANGE OF RADIATION SAFETY OFFICER FOR  
BYPRODUCT MATERIALS LICENSE NUMBER  
19-31389-01, T.L.B. Associates, Inc.**

**DATE:** April 9, 2014

**DOCKET NO.:** 030-38168

**LICENSE NO.:** 19-31389-01

**LICENSEE:** T.L.B. Associates, Inc.  
7280 Baltimore Annapolis Blvd.  
Glen Burnie, MD 21061

**TECHNICAL REVIEWER:** Dennis Lawyer

**SUMMARY AND CONCLUSIONS**

T.L.B. Associates, Inc. (TLB, Inc.) is authorized by U.S. Nuclear Regulatory Commission (NRC) License 19-31389-01 for the possession and use of byproduct material for the purposes of using portable gauging devices for measuring physical properties of materials. By letter dated November 12, 2013, TLB, Inc.. submitted a notice to NRC informing it that TLB, Inc. had been sold to Soil and Land Use Technology, Inc. (SALUT). The NRC staff treated this notification as a request for NRC consent to the indirect transfer of NRC Materials Licenses No. 19-31389-01 and initiated a review of the request. TLB, Inc. is now wholly-owned by SALUT. The transfer of control is described in Agency Documents Access and Management System (ADAMS) accession numbers ML13338A308, ML13365A089, ML14043A014, and ML14043A034.

The request for consent was reviewed by NRC staff for an indirect change in control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated November 2000. The NRC staff finds that the information submitted by TLB, Inc sufficiently describes and documents the transaction and commitments made by Soil and Land Use Technology, Inc. and T.L.B. Associates, Inc.

In addition, TLB, Inc requested approval of a new Radiation Safety Officer. NRC staff reviewed the qualifications and training of the proposed individual, and finds that he meets the requirements described in NUREG 1556, "Consolidated Guidance About Materials Licenses", Volume 1, Revision 1, " Program-Specific Guidance About Portable Gauges Licenses". (NUREG-1556, Vol. 1., Rev. 1.)

As required by 10 CFR 30.34 and section 184 of the Atomic Energy Act of 1954, as amended (the Act), NRC staff has reviewed the application and finds that the change in control is in accordance with the Act. The staff finds that the proposed individual is qualified to be the Radiation Safety Officer. The staff finds that TLB, Inc. will remain qualified to use byproduct material for the purpose requested, and will continue to have the equipment, facilities, and procedures needed to protect public health and safety, and promotes the security of licensed material.

## **SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Licensing Tracking System (LTS), TLB, Inc. has been an NRC licensee since December 4, 2009. The NRC conducted a main office inspection of TLB, Inc. on October 6, 2010, and no violations were identified during this inspection. The commitments made by SALUT and TLB, Inc. state that TLB, Inc.:

- A. will change the radiation safety officer listed in the NRC license to Mr. Clive Diaz;
- B. will not change the locations, facilities, and equipment authorized in the NRC license;
- C. will not change the radiation safety program authorized in the NRC license;
- D. will not change the organization's name listed in the NRC license; and
- E. will keep NRC required surveillance records and decommissioning records.

In addition, as a result of the sale, Mr. Bill Wainger and Mr. Prad Perera are the only officers in the company.

Since SALUT did not have direct or indirect control of a NRC or Agreement State material license before, a pre-licensing visit was conducted at the TLB, Inc.'s facility on January 9, 2014. For security purposes, TLB, Inc. was reviewed following the guidance provided by the NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) "Checklist to provide a basis for confidence that radioactive materials will be used as specified on the license," September 3, 2008 revision. The purpose of this checklist is for the NRC to obtain reasonable assurance from new license applicants or NRC licensees transferring control of licensed activities that the licensed material will be used for its intended purpose and not for malevolent use. NRC staff reviewed sales agreement documents, billing account records, employee identification, and information available on the company web site during the site visit. Based on this pre-licensing visit and the information provided in the amendment request, NRC staff concluded that it has reasonable assurance that TLB, Inc. will continue use the licensed material for its intended purpose.

T.L.B. Associates, Inc. is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 19-31389-01.

## **REGULATORY FRAMEWORK**

T.L.B. Associates, Inc.'s License No. 19-31389-01 was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The NRC is required by 10 CFR 30.34 to determine if the change of control is in accordance with the provisions of the Act and give its consent in writing.

10 CFR 30.34(b) states: "[n]o 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."

As previously indicated, the staff evaluation of the change of control is based on guidance in NUREG-1556, Volume 15. As discussed in NUREG-1556, Volume 15, NRC is generally using the term “change of control” rather than the statutory term “transfer” to describe the variety of events that could require prior notification and written consent of the NRC. The central issue is whether the authority over the license has changed. TLB, Inc.’s request for consent describes an indirect change of control resulting from a sale between SALUT and Thomas Brown. On August 27, 2012, TLB, Inc. became a wholly-owned subsidiary of SALUT and, as such, the transfer requires NRC consent.

License Condition 12 of TLB, Inc.’s license lists the name of the Radiation Safety Officer. In accordance with 10 CFR 30.38, the licensee requested to amend the license to name a new Radiation Safety Officer. The staff evaluation of the proposed Radiation Safety Officer is based on guidance in NUREG-1556, Vol. 1, Rev. 1, Section 8.7, “Individuals Responsible for the Radiation Safety Program and their Training and Experience,” and Appendix D, “Criteria for Acceptable Training Courses for Portable Gauge Users.” NRC staff reviewed the course outline on the provider’s web site and found that the courses completed by the proposed RSO contained the topics listed in the guidance, included a test, and were taught by qualified individuals. The NRC staff also confirmed with the state regulatory agency that the individual was approved as an Radiation Safety Officer on an Agreement State license.

## **DESCRIPTION OF TRANSACTION**

The transaction is described in ADAMS accession number ML13338A308, ML13365A089, ML14043A014, and ML14043A034. TLB, Inc. will continue as the licensee and remain in control of all licensed activities under Materials License No. 19-31389-01. The NRC staff finds that the request for consent adequately provides a complete and clear description of the transaction, and is consistent with the guidance provided in Appendix F of NUREG-1556, Volume 15.

## **TRANSFeree’S COMMITMENT TO ABIDE BY THE TRANSFEROR’S COMMITMENTS**

The NRC staff finds that the information submitted by TLB, Inc. sufficiently describes and documents the commitments made by Soil and Land Use Technology, Inc. and TLB, Inc. and is consistent with the guidance in NUREG-1556, Volume 15. TLB, Inc. and SALUT have agreed to abide by the NRC license and regulations.

## **ENVIRONMENTAL REVIEW**

An environmental assessment for this action is not required since the NRC’s consent to a transfer of control is categorically excluded from further environmental review requirements under 10 CFR 51.22(c)(21) and the NRC’s approval of the Radiation Safety Officer is categorically excluded from further environmental review requirements under 10 CFR 51.22(c)(10)(iv).

## **CONCLUSION**

The staff has reviewed the request for consent submitted by both parties with regard to an indirect change of control of byproduct materials license No. 19-31389-01 and provides its consent to the transfer of control under 10 CFR 30.34(b).

The submitted information sufficiently describes the transaction; documents the understanding of the license and commitments; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; and documents that, in the future, TLB, Inc. and SALUT will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the staff concludes that the proposed change in control would not alter the previous findings, made under 10 CFR Part 30, that licensed operations will not be inimical to the common defense and security, or to the health and safety of the public.

The staff reviewed the request to name a new Radiation Safety Officer, and finds that the proposed individual is qualified by training and experience.