

September 17, 2010

MEMORANDUM TO: File

FROM: Tomas Herrera /RA/
Licensing Branch, FSME

SUBJECT: Void Licensing Action
License Number: 41-25639-01E, ICx Radiation Inc.
Docket Number: 030-36509

MAIL CONTROL NUMBER: 573472

The purpose of this note to file is to explain the reason for voiding the control number 573472 for this licensing action.

The licensee (Steven Read, RSO) contacted Rich Struckmeyer by telephone the week of August 16, 2010, to discuss the probable merger of his company with another. Although the exact circumstances were not clear, Mr. Struckmeyer understood that the transaction might turn out to be a "change of control," which requires prior written consent from the NRC. He further stated that there is a requirement to notify the NRC in advance of such a change. Mr. Read was reminded of the guidance in NUREG-1556, Vol. 15 that provides the information needed by the NRC in order to approve the transfer of control.

The licensee agreed to send a letter to the NRC to inform us that such a transaction (merger or change of control) may happen within the next few months.

When the letter (dated August 23, 2010) arrived, Mr. Struckmeyer discussed with the Branch's Licensing Management Analyst, Maureen Moriarty, whether it should be treated as a licensing action and be controlled as such. The decision was made to do so, in part to ensure that it would be put into the appropriate folder in ADAMS.

On September 15, 2010, Tomas Herrera contacted the licensee (Steven Read, RSO) to discuss ICx Radiation's letter. Mr. Read indicated that their reference of Q4 in the letter meant the end of 2010 and not the end of the fiscal year. Mr. Read added that they are still unsure of when the transaction would take place. He was aware that they would need to receive written approval from the NRC before the licensed activities can be transferred. In their letter ICx Radiation stated that it will send the information required in NUREG-1556 when the merger takes place.

Mr. Herrera spoke with Jack Foster, Licensing Branch Chief to inform him that the letter did not state a specific time at which the transaction might take place. Based on this information and the telephone conversation from September 15, Mr. Foster instructed Mr. Herrera to void the control number for the licensing action.