

**SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 34-26553-02, TesTech, Inc.**

DATE: 02/20/2014

DOCKET NO.: 030-35054

LICENSE NO.: 34-26553-02

LICENSEE: TesTech, Inc.

8534 Yankee Street
Dayton, Ohio

TECHNICAL REVIEWER: William P. Reichhold

SUMMARY AND CONCLUSIONS

TesTech, Inc. is authorized by NRC License 34-26553-02 for the possession and use of byproduct material in sealed sources for use in portable moisture/density gauges for measuring physical properties of materials. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent of a direct license transfer submitted by TesTech, Inc. that resulted from a purchase of all of TesTech Inc.'s assets by Barr & Prevost. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) accession numbers ML14007A113 and ML14049A178. As a result of the direct transfer of control the licensee's name will be changed to Barr Engineering Inc., d/b/a Barr and Prevost and the mailing address changed to 2800 Corporate Exchange Drive, Suite 240, Columbus, Ohio.

The request for consent was reviewed by NRC staff for a direct change in control of a 10CFR 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 TesTech, Inc. sufficiently describes and documents the transaction and commitments made by Barr & Prevost and TesTech, Inc..

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 proposed change in control is in accordance with the Act. The staff finds that Barr & Prevost is qualified to use byproduct material for the purpose requested, and has 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 NRC's Web-Based Licensing (WBL), TesTech, Inc. has been an NRC licensee since August 31, 1999. The NRC conducted a main office inspection of TesTech, Inc. on January 16, 2014, and no violations were identified during this inspection. The commitments made by Barr & Prevost and TesTech, Inc. state that:

- A. the radiation safety officer listed in the NRC license will not change;
- B. the personnel involved in licensed activities will not change;
- C. the storage locations, storage facilities, and equipment authorized in the NRC license will not change;
- D. the radiation safety program authorized in the NRC license will not change; and
- E. Barr and Prevost will abide by all constraints, conditions, requirements and commitments made by TesTech, Inc.

Barr Engineering, Inc., (d/b/a as Barr & Prevost) has a State of Ohio license 31210250014, for the use of sealed sources in portable moisture/density gauges for measuring physical properties of materials. Therefore, for security purposes, Barr & Prevost is considered a known entity 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.

TesTech, Inc. is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 34-26553-02.

REGULATORY FRAMEWORK

TesTech, Inc. License No. 34-26553-02, was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The Commission 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: "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."

As previously indicated, the staff evaluation is based on guidance in NUREG-1556, Volume 15. As discussed in NUREG-1 556, 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. TesTech, Inc.'s request for consent describes a direct change of control resulting from a purchase of all of TesTech's assets by Barr & Prevost, and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession numbers ML14007A113 and ML14049A178. After the purchase of TesTech, Inc., Barr & Prevost controlled of all licensed activities under Materials License No. 34-26553-02. Barr & Prevost hired the majority to TesTech Inc.'s staff that included TesTech, Inc.'s Radiation Safety Officer and the individual served uninterrupted as the Radiation Safety Officer for the new owners Barr & Prevost. As a result of the direct transfer of control the licensee's name will be changed to Barr Engineering Inc., d/b/a Barr and Prevost and the mailing address changed to 2800 Corporate Exchange Drive, Suite 240, Columbus, Ohio.

The change of control 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 TesTech, Inc. sufficiently describes and documents the commitments made by Barr & Prevost and TesTech, Inc., and is consistent with the guidance in NUREG-1556, Volume 15.

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required since this action is categorically excluded under 10 CFR 51.22(c)(21).

CONCLUSION

The staff has reviewed the request for consent submitted by both parties with regard to a direct change of control of byproduct materials license No. 34-26553-02 and approves the application pursuant to 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, in the future, will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

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