

**SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 52-31342-01, Tamrio, Inc.**

DATE: June 18, 2018

DOCKET NO.: 030-37851

LICENSE NO.: 52-31342-01

LICENSEE: Tamrio, Inc.
PO Box 455
Mayaguez, PR 00681-0455

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Calle Rochelaise #31 (Carre 114, Km 0.3)
Mayaguez, PR 00681

TECHNICAL REVIEWER: Betsy Ullrich, Senior Health Physicist, Region I

SUMMARY AND CONCLUSIONS

Tamrio, Inc. is authorized by NRC License 52-31342-01 for the possession and use of byproduct material for purposes of measuring physical properties of materials. The licensed byproduct material is in the form of sealed sources contained in portable gauges. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a March 6, 2018 request (ML18093B098) for consent to a direct license transfer submitted by Tamrio, Inc. that will result from a sale between Tamrio, Inc. and Hecor, Inc. The transaction is a direct sale of assets to Hecor, Inc. Both companies are located at the same address, have the same president and share employees.

The request for consent was reviewed by NRC staff for a direct 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," Revision 1, dated June 2016. The NRC staff finds that the information submitted by Tamrio, Inc. sufficiently describes and documents the transaction and commitments made by Tamrio, Inc. and Hecor, Inc.

As required by section 184 of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's implementing regulation, 10 CFR 30.34(b)(1), the NRC staff has reviewed the application and finds that the proposed change in control is in accordance with the Act. The staff finds that, after the change of control, Hecor, 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 promote the security of the licensed material.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Web-Based Licensing (WBL) system, Tamrio, Inc. has been an NRC licensee since February 5, 2009. The NRC conducted a main office inspection of Tamrio, Inc. on June 3, 2014, and no violations were identified during this inspection. The commitments made by Hecor, Inc. and Tamrio, Inc. state that Hecor, Inc.:

- A. will not change the radiation safety officer listed in the NRC license;
- B. will not change the personnel involved in licensed activities;
- C. will not change the locations, facilities, and equipment authorized in the NRC license, except that actual storage location of gauges will move to a different room at the same address;
- D. will not change the radiation safety program authorized in the NRC license; and
- E. will keep regulatory required surveillance records and decommissioning records.

Tamrio, Inc. is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 52-31342-01

REGULATORY FRAMEWORK

Tamrio, Inc.'s License No. 52-31342-01, 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)(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."

As previously indicated, the staff evaluation is based on guidance in NUREG-1556, Volume 15. As discussed in NUREG-1556, Volume 15, NRC generally uses 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. Tamrio, Inc.'s request for consent describes a direct change of control resulting from a planned sale between Tamrio, Inc. and Hecor, Inc. and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession number ML18093B098. After completion of the merger, Hecor, Inc. will become the licensee and control all licensed activities under Materials License No. 52-31342-01. 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 E of NUREG-1556, Volume 15.

TRANSFeree'S COMMITMENT TO ABIDE BY THE TRANSFEROR'S COMMITMENTS

The NRC staff finds that the information submitted by Tamrio, Inc. sufficiently describes and documents the commitments made by Tamrio, Inc. and Hecor, Inc. and is consistent with the guidance in NUREG-1556, Volume 15.

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required because 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. 52-31342-01 and approves the application pursuant to 10 CFR 30.34(b)(1).

The submitted information sufficiently describes the transaction; documents the transferor's and transferee's understanding of the license and respective commitments; demonstrates that the transferee's 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 proposed change in control would not alter the previous findings, made under 10 CFR Part 30 when the license was previously issued and amended, that licensed operations will not be inimical to the common defense and security, or to the health and safety of the public.