

**LICENSE TRANSFER EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR RADIOACTIVE MATERIALS LICENSE
NUMBER 04-24888-01, ABB INC.**

DATE: June 1, 2020

DOCKET NO.: 030-38303

LICENSE NO.: 04-24888-01

LICENSEE: ABB Inc.
15411 Vantage Parkway West
Suite 200
Houston, TX 77032

TECHNICAL REVIEWER: Frank Tran

SUMMARY AND CONCLUSIONS

ABB Inc. is authorized by NRC License 04-24888-01 for the possession and use of byproduct material for industrial radiography as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 34.3. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct change of control submitted by ABB Inc. that will result from a sale between ABB Inc. and JRGO, LLC. Specifically, ABB Inc. will sell its inspection services business including the industrial radiography operations permitted under NRC License 04-24888-01 to JRGO, LLC. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML20121A117.

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 ABB Inc. sufficiently describes and documents the transaction and commitments made by JRGO, LLC and ABB 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, after the change of control, JRGO, LLC 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 Web-Based Licensing system (WBL), ABB Inc. has been an NRC licensee since June 22, 2010. The NRC conducted an onsite inspection of ABB Inc. on July 18, 2019, and no violations were identified during this inspection. The commitments made by JRGO, LLC and ABB Inc. (License No. 04-24888-01) states that JRGO, LLC:

- 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;
- D. will not change the radiation safety program authorized in the NRC license; and
- E. will keep regulatory required surveillance records and decommissioning records.

ABB Inc. is an NRC licensee who was issued NRC License No. 04-24888-01 for industrial radiography. ABB Inc. and JRGO, LLC has entered into a sale agreement and after the completion of the sale, the control of NRC License No. 04-24888-01 will directly be transferred to JRGO, LLC. JRGO, LLC is a Delaware limited liability company who has registered its business in the state of Michigan. The specific business authorized in Michigan is construction and technical services on oil and gas systems. After the transfer, the licensed material and activities authorized in NRC License No. 04-24888-01 will continue be used in accordance with license conditions and commitments listed in the license. Therefore, for security purposes JRGO, LLC is considered a known entity following the guidance provided by the NRC's Office of Nuclear Material Safety and Safeguards (NMSS), "Checklist to Provide a Basis for Confidence that Radioactive Materials Will be Used as Specified on the Application" revised January 29, 2019. 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.

ABB Inc. is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 04-24888-01.

REGULATORY FRAMEWORK

ABB Inc.'s License No. 04-24888-01, 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) 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, Revision 1. As discussed in NUREG-1556, Volume 15, Revision 1, 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. ABB Inc.'s request for consent describes a direct change of control resulting from a sale between ABB Inc. and JRGO, LLC. Following the completion of the sale, the control of NRC License 04-24888-01, will directly, be transferred to JRGO, LLC and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession number ML20121A117. After completion of the sale, JRGO, LLC will continue as the licensee and remain in control of all licensed activities under Materials License No. 04-24888-01. 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, Revision 1.

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

The NRC staff finds that the information submitted by ABB Inc. sufficiently describes and documents the commitments made by JRGO, LLC and ABB Inc., and is consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required since this action is categorically excluded under 10 CFR 51.22(c)(14)(xi).

CONCLUSION

The staff has reviewed the request for consent submitted by both parties with regard to a direct change of control of NRC Materials License No. 04-24888-01 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, Revision 1.

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.