



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

July 19, 2021

W. Hank Stack, PE
Duffield Associates, LLC
5400 Limestone Road
Wilmington, DE 19808

**SUBJECT: DUFFIELD ASSOCIATES, LLC, ACCEPTANCE OF NOTIFICATION OF
CHANGE OF CONTROL, MAIL CONTROL NO. 624514**

Dear Mr. Stack:

By letter dated January 25, 2021, (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21039A482), Duffield Associates, Inc. submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to an indirect transfer of control of NRC Materials License number 07-17431-01, and change of name to Duffield Associates, LLC. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC consents to the transfer.

Duffield Associates, Inc. is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated January 25, 2021, Duffield Associates, Inc. requested written consent to the indirect transfer of control of its license from the NRC. Additional information was provided in letters dated April 8, 2021 and May 28, 2021 (ADAMS Accession Numbers ML2124A004 and ML21159A102, respectfully). Because the license was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," the NRC must find that the transfer is in accordance with the provisions of the AEA and, if so, must give its consent in writing prior to the transfer, in accordance with Section 184 of the AEA and 10 CFR 30.34(b). Additionally, the NRC staff reviewed the indirect transfer of control request using the guidance in NUREG-1556, Volume 15, Revision 1, "Consolidated Guidance About Materials Licenses – Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated June 2016.

10 CFR 30.34(b) states:

- (1) No license issued or granted pursuant to the regulations in [parts 30] 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.
- (2) An application for transfer of license must include:
 - (i) The identity, technical and financial qualifications of the proposed transferee; and

- (ii) Financial assurance for decommissioning information required by [10 CFR] 30.35.

As described in ADAMS package accession number ML21039A481, the indirect transfer of control resulted from an asset sale to Hull & Associates, LLC, resulting in Duffield Associates, Inc. becoming wholly-owned by Hull & Associates, LLC. Because the transfer of control occurred on December 31, 2020, and request is dated January 25, 2021, this request was for approval of an indirect license transfer, without receiving prior written consent from the Commission. The NRC staff finds that the licensee request adequately provides a complete and clear description of the transaction, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1. The sufficiency of the description is evaluated below.

The request for an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2, Subpart M and as described in NRC's Regulatory Issue Summary 2014-08, Revision 1. No comments were received from members of the public.

Duffield Associates, Inc. is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license. The NRC staff finds that the licensee's request adequately provided information for financial assurance for decommissioning, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Further, the NRC conducted an inspection of Duffield Associates, Inc. on November 10, 2016, at the licensee's facilities in Wilmington and Dover, Delaware and at a temporary job site. The NRC identified one violation related to a mechanical malfunction of a lock on a gauge storage room door, that served as one of two independent barriers required to prevent access to the gauges by unauthorized persons. The licensee had identified the malfunctioning lock, and requested repair or replacement of the lock, but did not take other actions to substitute another barrier in its stead until the inspection 6 days later. The licensee performed a temporary repair on the day of the inspection; replaced the lock within a few days; and provided additional training to all authorized users of the gauge regarding the security requirements.

Additionally, as described in its request, Hull & Associates, LLC commits that it:

- A. Will abide by all constraints, conditions, requirements and commitments of the Duffield Associates, LLC license;
- B. Agrees to accept the Duffield Associates, LLC facilities "as is"; and
- C. Will maintain records important to decommissioning.

Based on these commitments, the NRC staff finds that the licensee request adequately documents the constraints, license conditions, requirements, representations, and commitments made by the transferee, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Hull & Associates, LLC holds NRC license No. 34-24957-02, and License No. 3120490005 from the Ohio Department of Health. Both licenses authorize possession and use of byproduct material in portable gauges used for measurements. For security purposes, Hull & Associates, LLC is considered a known entity because it possesses NRC and Agreement State licenses. Therefore, the NRC staff does not need to perform a pre-licensing visit to obtain reasonable

assurance that the licensed material will be used for its intended purpose and not for malevolent use.

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

The staff has reviewed the request for an indirect transfer of control of License No. 07-17431-01. The NRC staff finds that the transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer.

Future changes in the licensee's name, licensed use, licensed materials, licensed location, persons responsible for licensed material, or other changes to the corporate organizational structure require submission of a request to amend the license or a request to transfer the license. NRC approval must be received prior to implementation of any such proposed change.

In accordance with 10 CFR 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. If you have any questions regarding this letter, please contact Betsy Ullrich at (610) 337-5040 or by electronic mail to Elizabeth.Ullrich@nrc.gov.

Thank you for your cooperation in this matter.

Sincerely,

Betsy Ullrich, Senior Health Physicist
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

License No. 07-17431-01
Docket No. 030-12739
Mail Control No. 624514

cc: Michael S. Johnson, Radiation Safety Officer

DUFFIELD ASSOCIATES, LLC, ACCEPTANCE OF NOTIFICATION OF CHANGE OF CONTROL, MAIL CONTROL NO. 624514 DATED JULY 19, 2021

DOCUMENT NAME: [\\nrc.gov\nrc\R1\Office\DNMS\WBL Documents\WBL License Cover Letter\L07-17431-01.624514.docx

SUNSI Review Complete: Betsy Ullrich

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	RI:DRSS	N					
NAME	Betsy Ullrich						
DATE	7/19/21						

OFFICIAL RECORD COPY