



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 E. LAMAR BLVD
ARLINGTON TX 76011-4511

April 5, 2022

Mr. Jerry Cooper
Radiation Safety Officer
Gilbane Federal
2300 Clayton Road
Suite 1050
Concord, CA 94520

SUBJECT: GILBANE FEDERAL REQUEST FOR WRITTEN CONSENT TO DIRECT
LICENSE TRANSFER

Mr. Cooper:

By letter dated October 8, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21301A137), Gilbane Federal submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to a direct transfer of control of NRC materials license number 04-29353-01. 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.

Gilbane Federal is authorized by the NRC for the use of byproduct material at temporary job sites in NRC jurisdiction under Part 30. By letter dated October 8, 2021, Gilbane Federal requested written consent to the direct transfer of control of its license from the NRC. 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 direct 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 ML21301A137, the direct transfer of control results from GES-AIS, LLC acquiring the environmental services business unit, the contracts and agreements, the key personnel and the project workload of Gilbane Federal.

The transfer of control occurred on September 1, 2021, and the request for NRC approval of the transfer is dated October 8, 2021, which is not in accordance with 10 CFR 30.34(b). A Notice of Violation for initiating a direct license transfer without receiving prior written consent from the Commission will be provided in separate correspondence. However, notwithstanding the timing of the request, 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 a direct 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.

In the request for a direct transfer of ownership, Gilbane Federal provided information explaining that the license does not require decommissioning funding plans. Gilbane Federal is not required to have financial assurance for decommissioning because of the types of material, type of work, 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 a remote inspection of Gilbane Federal from June 22 through July 7, 2021. The NRC identified no violations.

Additionally, as described in its request, GES-AIS, LLC committed that:

- A. There were no changes in personnel or duties that relate to the licensed program;
- B. There was no change to the radiation safety officer;
- C. There was no changes in facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program; and
- D. They will abide by all constraints, conditions, requirements, representations, and commitments of the transferor in relation to the radioactive materials license.

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.

GES-AIS, LLC is considered a known entity because GES-AIS, LLC possesses a State of California Department of Public Health (CDPH) Radioactive Material License. NRC staff confirmed with the CDPH that GES-AIS, LLC's license is in good standing and that they are considered a known entity. Due to this consideration and the recent inspection of GES-AIS, LLC by the CDPH, 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 a direct transfer of control of NRC license number 04-29353-01. The NRC staff finds that the direct transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer.

The letter dated October 8, 2021, detailed a change to the mailing address of the licensee and a name change resulting from the direct transfer of control. A license amendment addressing these changes will be provided in separate correspondence.

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 Casey Alldredge at 817-200-1546 or via electronic mail at casey.allredge@nrc.gov.

Thank you for your cooperation.

Sincerely,

Casey Alldredge, Health Physicist
Materials Licensing Branch

Docket: 030-38058
License: 04-29353-01
Control: 629041