



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

JUN 20 2019

Stephen A. Kisan
Radiation Safety Officer
BSK Industries, Inc.
10143 Royalton Road
Unit C
N. Royalton, OH 44133

Dear Mr. Kisan:

This refers to an amendment request to change the licensee's name on the NRC License No. 34-26538-02. On June 4, 2019, we received a letter from a company named Foth Infrastructure & Environmental, LLC in De Pere, Wisconsin signed by Kelly O'Malley, Environmental Technician, and Nicholas R. Atanasoff, Lead Environmental Scientist. The letter requests to change your company name to Samuel, Son & Company (USA).

Under 10 CFR 30.34(b), 40.46(a), and 70.36(a), licensees must provide full information and obtain NRC's written consent before transferring control* of the license. The NRC will determine whether a change of control has taken place and must be determined on a case-by-case basis.

Control may be transferred as a result of mergers, buyouts, or majority stock transfers. Although it is not NRC's intent to interfere with the business decisions of licensees, it is necessary for licensees to obtain NRC's written consent before transferring control of the license. This is to ensure the following: (1) Radioactive materials are possessed, used, or controlled only by persons who have valid NRC licenses; (2) Materials are properly handled and secured; (3) Persons using these materials are competent and committed to implementing appropriate radiological controls; (4) A clear chain of custody is established to identify who is responsible for final disposal of the material; and (5) Public health and safety are not compromised by the use of such materials.

In order to complete our review, please provide the following information concerning changes of control by the applicant (transferor and/or transferee, as appropriate). If any item is not applicable, please state.

1. Describe any planned changes in the organization, including but not limited to, transfer of stocks or assets and mergers, change in members on Board of Directors, etc. Provide the new licensee name, mailing address, and contact information, including phone numbers. Clearly identify when the amendment request is due to a name change only.
2. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel and any changes in the training program.
3. Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program.

4. Describe the status of the licensee's facilities, equipment, and radiation safety program, including any known contamination and whether decontamination will occur prior to transfer. Include the status of calibrations, leak tests, area surveys, wipe tests, training, quality control, and related records.
5. If current decommissioning funding plans (DFP) will be changed as a result of the transfer, the revised DFP should be submitted. If other financial assurance documents will be changed as a result of the transfer, confirm that all financial assurance instruments associated with the license will be held in the transferee's name before the license is transferred, and as required by 10 CFR 30.35(f), the licensee must, within 30 days, submit financial instruments reflecting such changes.
6. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.
7. Confirm that both transferor** and transferee*** agree to transferring control of the licensed material and activity, and the conditions of transfer, and that the transferee has been made aware of any open inspection items and its responsibility for possible resulting enforcement actions.
8. Confirm that the transferee will abide by all constraints, conditions, requirements, representations, and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.
9. The transferee, in the case of fuel cycle facilities, shall provide documentation showing that it is financially qualified to conduct normal operations. The information can be in the form of income statements and balance sheet forecasts.

***Control:** Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners possess the power to determine corporate policy and, thus, the direction of the activities under the license.

****Transferor:** A transferor is an NRC licensee selling or otherwise giving up control of a licensed operation.


*****Transferee:** A transferee is an entity that proposes to purchase or otherwise gain control of an NRC-licensed operation.

For your information, the NRC licensing guidance related to the changes of control is 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". An electronic copy of this guidance can be found on the NRC web page at <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v15>.

To continue the review of your application, we request that you submit your response to this letter by July 22, 2019. Your response must be dated and signed by the licensee or a person duly authorized to act for and on his behalf. Please be sure to reference Control No. 612461 in the response to facilitate proper handling in our office. If you have any questions or require clarification on any of the information stated above, please do not hesitate to contact me at 630-829-9623.

In accordance with 10 Code of Federal Regulations 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,


Frank P. D. Tran
Health Physicist
Materials Licensing Branch
Region III

License No. 34-26538-02
Docket No. 030-35053