



October 25, 2010

Nuclear Materials Licensing Branch
Attn: Jacqueline Cook
Senior Health Physicist
U. S. Nuclear Regulatory Commission, Region IV
612 E. Lamar Boulevard, Suite 400
Arlington, Tx 76011-4125

Subject: Potential Amendment to NRC license 04-29353-01; Docket 030-38058; Control 472291/472414

Dear Ms. Cook:

The purpose of this E-mail is to notify you that on July 30, 2010, Gilbane Building Company ("Gilbane") purchased 100% of the capital stock of Innovative Technical Solutions, Inc. ("ITSI"). ITSI holds the NRC license 04-29353-01 with the NRC.

The acquisition of ITSI stock by Gilbane has not changed ITSI's operations, personnel resources, systems or other capability required for performance under this license. Our management remains the same at the highest corporate levels, and the same personnel will be working on ITSI's licensed projects in the future.

We believe that no change in the license is required. However, the NRC provided guidance for ITSI to complete the attached form, and then the NRC will determine if there is a need to revise our license.

Sincerely,



Jay Pride
Radiation Safety Officer

Global Infrastructure • Environmental • Design-Build

800 Oak Ridge Turnpike, Suite A-700
Oak Ridge, TN 37830

(865) 483-5200
fax (865) 483-1011
www.itsi.com

574042

Change of Control and/or Change of Ownership
(includes Change of Name)

10 CFR 30.34(b) states that "no license issued or granted pursuant to the regulations...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...find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing. Although not specifically addressed by 10 CFR 30.34, licensees undergoing a name change may also be affected by this regulation.

Control over licensed activities can be construed as the authority to decide when and how a license (licensed material and/or activities) will be used. A change of ownership may be an example of a change of control. The central issue is whether the authority over the license has changed. In all cases, determining whether a change of control has taken place or whether a change is in name only is the Commission's responsibility.

Licensees must notify the Commission when they are undergoing a possible change of control and/or a change of name. While this notification is not required within a certain time frame, NRC needs adequate time to review the submittal to ensure that the transfer is in accordance with the regulations.

In order to process your request for a change of control/ownership and/or a name change, the information on the following pages is required. Our fax number is (817) 860-8263 or (817) 860-8188. If you have any questions regarding our discussion or this fax, please contact me. When responding to this fax, please include the license, docket, and mail control numbers, located at the top of this page as well as the following pages. Thank you.

Information Required for Change of Control and/or Change of Ownership
(to include a name change)

Source: NUREG-1556, Volume 15

Please provide the following information concerning changes of control (transferor and/or transferee, as appropriate). If any items are not applicable, so state.

1. Provide a complete description of the transaction (i.e., transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who NRC may contact if more information is needed.

A. Description of the transaction:

See attached.

B. No name change

New name of licensed organization: _____

C. No change in contact

New contact: _____

New telephone number: _____

2. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel.

A. No changes in personnel having control over licensed activities.

Changes in personnel having control over licensed activities (e.g. officers of a corporation):

B. No changes in personnel named in the license.

Changes in personnel named in the license (e.g. RSO, AUs) - include training, experience and responsibilities:

3. Describe, in detail, any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.

Organization:

Equipment:

Location:

Procedures:

Facility:

Not applicable

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4. Describe the status of the surveillance program (i.e., surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.

A. Description of the status of all surveillance program:

No license activities have yet to be performed.

B. Surveillance Items & Records: calibrations, leak tests, surveys, inventories, and accountability requirements will be current at the time of transfer

Yes No (explain)

No licensed activities performed to date.

5. 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.

Records transferred to:

New licensee NRC for license termination Not applicable

6. Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

_____ will abide by all constraints, conditions,
(transferee company)
requirements and commitments of _____
(transferor company)

Signature/Title
Transferee Official

Signature/Title
Transferor Official

date

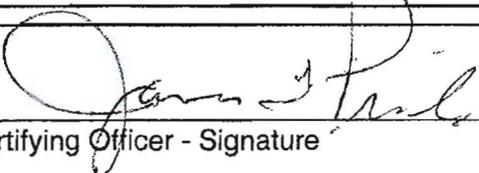
date

OR

Description of proposed licensed program from transferee attached (with signature)

OR

Not applicable (name change only) Not applicable per response to 1A.


Certifying Officer - Signature

10-19-10
Date

James T. (Jay) Pride ITSI Radiation Safety Officer
Certifying Officer - Typed name and title

Supplemental Information to 1A Response.

The purpose of this E-mail is to notify you that on July 30, 2010, Gilbane Building Company (“Gilbane”) purchased 100% of the capital stock of Innovative Technical Solutions, Inc. (“ITSI”). ITSI holds the NRC license 04-29353-01 with the NRC.

It is our understanding, pursuant to 10 CFR 30.34 (b), notification of any changes to the ownership must be considered; however, no change in authority has occurred. In contrast, the FAR 42.1204 (relative to federal contracts) provides that a novation is not required when a stock purchase is contemplated and when “there is no legal change in the contracting party, and when the contracting party remains in control of the assets and is the party performing the contract.” FAR 42.1204(b).

ITSI will retain control of assets required for License performance and will remain the party responsible for performance of the license. The NRC’s and ITSI’s rights and obligations under the License are unaffected by the stock purchase. Additionally, no change of name is associated with the stock purchase; however, ITSI plans to recognize its affiliation with Gilbane through a minor revision to the company logo.

We are pleased to assure you that ITSI’s management team is unchanged as a result of this stock purchase; Devendra Shukla will continue as CEO of ITSI, and all other senior executives and managers will remain in their key positions in the company including ITSI’s Radiation Safety Officer James (Jay) Pride and other individual named in the license. ITSI will continue to execute the work under all license conditions and the same license-named personnel, resources, and approved systems per the license.

The acquisition of ITSI stock by Gilbane has not changed ITSI’s operations, personnel resources, systems or other capability required for performance under this license. Our management remains the same at the highest corporate levels, and the same personnel will be working on ITSI’s licensed projects in the future.

Jay Pride
Innovative Technical Solutions, Inc.
Radiation Safety Officer
Phone: 865-483-5200
Cell: 865-389-8048
Fax: 865-483-1011

12-10-2010
DATE

This is to acknowledge the receipt of your letter/application dated 10-25-10, and to inform you that the initial processing, which includes an administrative review, has been performed.

There were no administrative omissions. Your application will be assigned to a technical reviewer. Please note that the technical review may identify other omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card:

The action you requested is normally processed within 90 days.

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 574042.
When calling to inquire about this action, please refer to this mail control number.
You may call me at 817-860-8103.

Sincerely,

Coleen Murahan

Licensing Assistant

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM LTS

Program Code: 03234
Status Code: Pending Amendment
Fee Category: 1D 2C 3N 4B
Exp. Date:
Fee Comments:
Decom Fin Assur Reqd: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: INNOVATIVE TECHNICAL SOLUTIONS
Received Date: 12/08/2010
Docket Number: 3038058
Mail Control Number: 574042
License Number: 04-29353-01
Action Type: Amendment

2. FEE ATTACHED

Amount: _____

Check No.: _____

3. COMMENTS

Signed: Colleen Murnahan

Date: 12-08-2010

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / /)

1. Fee Category and Amount: _____

2. Correct Fee Paid. Application may be processed for:

Amendment: _____

Renewal: _____

License: _____

3. OTHER _____

Signed: _____

Date: _____