



**EJK1UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

July 20, 2022

Thomas A. Schumacher, CHP
Radiation Safety Officer
Modular Devices Acquisition, LLC
dba Modular Devices
6678 Guion Rd.
Indianapolis, IN 46268

SUBJECT: CONSENT TO DIRECT CHANGE OF CONTROL FOR MODULAR DEVICES INC.,
NRC LICENSE NO. 13-35634-01

Dear Thomas Schumacher:

Enclosed is Amendment No. 1 to your NRC Material License No. 13-35634-01 in accordance with your request.

By letter dated January 20, 2022, Modular Devices, Inc., submitted to the U. S. Nuclear Regulatory Commission (NRC) a Request for Consent to Indirect Change of Control of NRC Materials License No. 13-35634-01. Your letter is available electronically from the Agencywide Documents Access and Management System (ADAMS) at Accession No. ML22081A361.

Based on the information provided, we understand that the assets of Modular Devices, Inc., which was wholly owned by Greg Mink, were purchased and transferred to a new entity called Modular Devices Acquisition, LLC dba Modular Devices. The new entity is owned by O2, Investments, LLC, and Black Bear Investment Holdings, Inc. Modular Devices, Inc., was renamed Black Bear Investment Holdings, Inc., remains 100% owned by Mr. Mink, and Mr. Mink now serves as President and CEO of Modular Devices Acquisition, LLC dba Modular Devices. As a result, the licensed materials and activities and radiation safety program permitted under NRC Materials License No. 13-35634-01 will be indirectly transferred from Modular Devices, Inc. to Modular Devices Acquisition, LLC dba Modular Devices. We further understand that this transfer will not result in any change to the licensed materials, licensed activities, persons using the license material, location of use of licensed material, or persons responsible for the licensee's radiation safety program.

Based on the above understandings and as more fully detailed in the enclosed NRC staff's Safety Evaluation Report which documents the NRC staff's review of the request, the NRC consents to the indirect transfer of control.

An environmental assessment for this action is not required since this action is categorically excluded under Title 10 of the Code of Federal Regulations (10 CFR) 51.22(c).

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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,



Erin J. Kennedy
Health Physicist
Materials Licensing Branch

License No.: 13-35634-01
Docket No.: 030-39269

Enclosures: Amendment No. 1
Safety Evaluation Report