



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

June 9, 2023

Douglas Hughes
Radiation Safety Officer
OMM Engineering, Inc.
4665 44th St. SE, Ste. A100
Grand Rapids, MI 49512

Dear Mr. Hughes:

This letter is responsive to the letter dated March 30, 2023, signed by David Kuipers, P.E., President, which provided notification of a transfer of control of licensed operations for U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-25914-01.

The U.S. NRC's guidance document applicable to the request, which I refer to as "the guidance" elsewhere in this document is NUREG-1556, Volume 15, Rev. 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. This guidance is available on the U.S. NRC's website at: <https://www.nrc.gov/docs/ML1618/ML16181A003.pdf>

Upon review of the request, I identified the following areas requiring additional or clarifying information:

1. Section 5.1, "Description of Transaction," of the guidance specifies that a complete and clear description of the transaction must be provided, including the new legal name of the licensed organization.

Upon review of the description of the proposed transaction, it appears that OMM ENGINEERING, INC., (transferor) has been purchased by HOLLAND ENGINEERING (transferee).

A check with the Michigan Licensing and Regulatory Affairs' Corporations Division revealed that the complete legal name of the transferee is HOLLAND ENGINEERING, INC., d/b/a Holland Engineering.

Therefore, please confirm that the transferee's complete legal name is HOLLAND ENGINEERING, INC., d/b/a Holland Engineering.

2. Section 5.3, "Changes of Location, Equipment and Procedures," of the guidance identify that the transfer of control consent request should identify the status of the licensee's facilities, equipment and radiation safety program.

The request identified that you will be adding a permanent storage site at your proposed facility in Holland, Michigan, and seeking to release the existing permanent storage sites in Grand Rapids, Michigan, and Georgetown Township, Michigan.

Clarify the status of the current licensed facilities in Georgetown Township, Michigan, and Grand Rapids, Michigan. Prior to releasing these locations to unrestricted use,

please confirm that you will provide the following information to support their release to unrestricted use:

- records of transfer and/or disposal for all sealed sources or portable gauging devices previously used and/or stored at the former locations. If transferred to another location in your organization, please state that and identify which portable gauging devices (including make, model and device serial number) were transferred and the date of the transfer. If transferred outside of your organization, please provide a copy of the transferee's license and a letter confirming receipt of the transferred portable gauging devices;
 - leak test reports with an acceptable result for all sealed sources or portable gauging devices previously stored at the former locations; and
 - description of any incidents involving ruptured, leaking or lost sealed sources or portable gauging devices along with any other incidents involving radioactive materials at the former permanent storage locations.
3. Section 5.5, "Decommissioning and Related Records Transfers," of the guidance identifies that prior to approval of a transfer of control, licensees must arrange for the transfer and maintenance of records important to the decommissioning of facilities involved in licensed activities (e.g., leak test results and transfer/disposal records). Further, the transferee must confirm, in writing, that they accept full responsibility for the decommissioning of the site, including any contaminated facilities and equipment.

As a minimum, the request should address the following:

- the statement, "Pursuant to 10 CFR §30.35(g), we shall maintain drawings and records important to decommissioning and will transfer these records to an NRC or Agreement State licensee before licensed activities are transferred; or we will transfer the records to the appropriate NRC regional office before the license is terminated;"
- description of the method and proposed timetable for the transfer of required records;
- a commitment by the transferee to maintain the records received from the transferor; and
- an agreement to perform a survey confirming that the facility is free of contamination or an agreement by the transferee to accept the facility "as is" on the date of transfer.

Please resubmit your request addressing all applicable items from Section 5.5 of the guidance, including those identified above. For additional information and guidance, please refer to Section 5.5 and Appendix E, "Information Needed for Transfer of Control Application," of the guidance.

4. Section 5.6, "Transferee's Commitment to Abide by the Transferor's Commitments," must either commit to abide by all constraints, license conditions, requirements, representations and commitments identified in and attributed to the existing license or provide a description of its own program to comply with the license and all applicable regulations.

Please 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. Further, please confirm that the transferee will abide by all constraints, conditions, requirements, representations, and commitments of the transferor.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) §2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made 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 website at <https://www.nrc.gov/reading-rm/adams.html>.

To continue review of the request, please submit your response to this letter within 30 calendar days from the date of this letter. In your response, please refer to the license, docket, and control number specified below. I will assume that you do not wish to further pursue this licensing action if I do not receive a reply within the specified timeframe noted above.

If you have questions, require additional time to respond, or require clarification on any of the information stated above, I encourage you to contact me at (630) 829-9737 or via e-mail at Jason.Kelly@nrc.gov.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

Docket No.: 030-30556
License No.: 21-25914-01
Control No.: 635169