



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

May 6, 2024

Josh Ankrom, EHS Manager,
Washington Works
Delrin USA, LLC
8480 DuPont Road
Building 200
Washington, WV 26181

**SUBJECT: DUPONT SPECIALTY PRODUCTS USA, LLC, ACCEPTANCE OF
NOTIFICATION OF CHANGE OF CONTROL, MAIL CONTROL NO. 637691**

Dear Mr. Ankrom:

By letter dated September 27, 2023, (Agencywide Documents Access and Management System (ADAMS) Accession Number ML23303A020), DuPont Specialty Products USA, LLC submitted to the U.S. Nuclear Regulatory Commission (NRC) a request to change the name of “Dupont Specialty Products USA, LLC” to “DELRIN USA, LLC” for NRC Materials License No. 47-01876-01. Based on the NRC review of additional information and the letter dated March 22, 2024 (ADAMS Accession Number ML24085A226), the NRC has determined that, since the name change, an indirect transfer of control of NRC Materials License number 47-01876-01 occurred on November 1, 2023. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC now affirms that it consents to the transfer, as it occurred.

DuPont Specialty Products USA, LLC (DuPont) is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated September 27, 2023, DuPont stated that the name “Dupont Specialty Products USA, LLC” was to change to “DELRIN USA, LLC” effective October 1, 2023. During the NRC review of the information provided, the NRC learned that an indirect transfer of control of the NRC license occurred on November 1, 2023. 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 indirect 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 ML23303A017, the indirect transfer of control resulted from a sale of 80.1 % of the ownership of the DuPont product line known as Delrin on November 1, 2023, to The Resolute Fund VI, L.P., a private equity fund managed by TJC, L.P. That product line included the location of activities under DuPont License No. 47-01876-01. The indirect transfer of control is to TJC, L.P., with the agreement between DuPont and TJC, L.P. publicly announced on August 21, 2023, prior to the request for a name change. Because the actual transfer of control occurred on November 1, 2023, and there was no request for approval prior to the transfer, the NRC determined that an indirect license transfer occurred, without receiving prior written consent from the Commission. The NRC staff finds that the licensee responses for additional information adequately provide a complete and clear description of the proposed 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 an indirect 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 from members of the public.

In the request for an indirect transfer of ownership, DuPont provided information regarding its current decommissioning funding plans. Based on the information provided, DuPont is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license. The NRC staff finds that the licensee's information 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 an inspection of DuPont on June 13, 2019, at Washington, WV. The NRC identified no violations.

Additionally, as described in its request, TJC, L.P. commits that it:

- A. will not change the radiation safety officer listed in the NRC license;
- B. will not change the personnel involved in licensed activities;
- C. will not change the locations, facilities, and equipment authorized in the NRC license;
- D. will not change the radiation safety program authorized in the NRC license; and
- E. will keep regulatory required surveillance records and decommissioning records.

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.

TJC, L.P. is a known entity which indirectly holds License No. 02-2374, issued to the Beverly Microwave Division of Communications & Power Industries, LLC by the Commonwealth of Massachusetts and License No. 20-02237-03E issued to the Beverly Microwave Division of Communications & Power Industries, LLC, by the NRC. The NRC staff used the guidance provided by the NRC's Office of Nuclear Material Safety and Safeguards' "Checklist to provide a basis for confidence that radioactive materials will be used as specified on the application," January 29, 2019 revision. The purpose of this checklist is for the NRC to obtain reasonable assurance from new license applicants or NRC licensees transferring control of licensed activities that the licensed material will be used for its intended purpose and not for malevolent use. Therefore, for security purposes, TJC, L.P. is considered a known entity because of its indirect ownership of the Beverly Microwave Division of Communications & Power Industries, LLC, which has a current NRC license and a current license from the Commonwealth of Massachusetts.

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 an indirect transfer of control of License No. 47-01876-01. The NRC staff finds that the indirect transfer of control was in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer, as it occurred.

Future changes in the licensee's name, licensed use, licensed materials, licensed location, persons responsible for licensed material, or other changes to the corporate organizational structure require submission of a request to amend the license or a request to transfer the license. NRC approval must be received prior to implementation of any such proposed change.

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 Betsy Ullrich at 610-337-5040 or 240-704-4575 or by electronic mail to Elizabeth.Ullrich@nrc.gov.

Thank you for your cooperation in this matter.

Sincerely,

Betsy Ullrich, Senior Health Physicist
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

License No. 47-01876-01
Docket No. 030-06660
Mail Control No. 637691

cc: Bryan S. Monroe, Radiation Safety Officer
Bryan Connelly, Washington Works Plant Manager
Ian Arons, Partner, TJC, L.P.

DUPONT SPECIALTY PRODUCTS USA, LLC, ACCEPTANCE OF NOTIFICATION OF CHANGE OF CONTROL, MAIL CONTROL NO. 637691 DATED MAY 6, 2024

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SUNSI Review Complete: Betsy Ullrich

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DATE	4/26/24		5/3/2024					

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