



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2056 WESTINGS AVENUE, SUITE 400
NAPERVILLE, IL 60563-2657

July 10, 2025

Max E. Maschewske
Radiation Safety Officer
MAHLE Industries, Incorporated
2020 Sanford St.
Muskegon, MI 49444

Dear Ms. Maschewske:

This letter is regarding your request dated June 27, 2025, for agency consent to the transfer of control of U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-12192-01.

The U.S. NRC's guidance document applicable to your 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. Appendix E, "Information Needed for Transfer of Control Application," of the guidance identifies the information needed to evaluate a proposed transfer of control application. Your application provided some of the information from this appendix.

The following items were either not addressed or lacked adequate detail.

- 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's name, mailing address, and contact information, including phone numbers.
- 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.
- Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program.
- 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.

- 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.
- 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.
- 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.

Additional items in this letter provide additional detail about the information needed to support the evaluation of the proposed change of control. Further information regarding completion of the license application may be found in Section 5, "Change of Control," of the guidance.

2. Section 5.1, "Description of Transaction," of the guidance specifies that a complete and clear description of the transaction must be provided.

The description should include all of the following as applicable:

- identification of any changes in the organization, including but not limited to, transfer of stocks or assets and mergers, change in members of Board of Directors, etc.;
- the new legal name of the licensed organization;
- new licensee contact and telephone number(s) to facilitate communications; and
- pre- and post-transaction organizational chart showing the corporate structure of the license holder and its parent companies, if any.

Upon review of the description of the proposed transaction, it appears that *MAHLE INDUSTRIES, INCORPORATED*, (transferor), including all its assets and liabilities, will be acquired in entirety by *ACUTEX, INC.* (transferee). Though, your request lacked complete detail regarding the proposed transaction, including a copy of the proposed sales agreement. Therefore, please resubmit your request with additional detail.

Clarify if there are any other changes, including a change in the legal name or licensee contact information. Please provide a pre- and post-transaction organizational chart showing the corporate structure of the license holder and its parent companies, if any. If there are any changes in the reporting relationship of the Radiation Safety Officer to management, please also illustrate those changes in a staff organizational chart.

3. Section 5.2, "Changes of Personnel," describes that changes in personnel having control over licensed activities need to be documented. These may include, in some cases, officers of a corporation or other management individuals who are listed on the license or are referred to in the supporting documentation. The licensee should also document any changes in personnel that have responsibility for radiation safety or are authorized to use licensed material, (e.g., the radiation safety officer and authorized users).

Your request did not describe any changes in personnel.

Please respond by describing any changes in personnel, particularly those requiring a license amendment or notification. Include documentation of the training and experience of new individuals to be listed on the license.

4. Section 5.3, "Changes of Location, Equipment and Procedures," of the guidance identifies that the transfer of control consent request should provide the status of the following:
 - describe changes in place of use, including potentially affected adjacent areas, as required;
 - describe changes in facilities where licensed material is to be used or stored;
 - describe changes in equipment to be used in the licensed program; and
 - submit relevant procedural changes.

The request did not identify if there will be any changes in the licensed facilities, equipment and radiation safety procedures.

Please resubmit your request addressing all applicable items from Section 5.3 of the guidance, including those identified above.

5. 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.

Your request indicates that there has not been any site decommissioning, nor does the transferor have intentions of any site decommissioning at this time. Though, this is not an adequate description because it does not describe the transfer and maintenance of records important to decommissioning.

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;
- provide a description of the facility with regard to contamination and ambient radiation levels;
- 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.

6. 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.

The request identified that the transferee will abide by all constraints, conditions, requirements, and commitments of the licensed program.

Please also confirm that both transferor and transferee agree to transferring control of the licensed material and activity and the conditions of transfer.

In accordance with [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 Web site at <https://www.nrc.gov/reading-rm/adams.html>.

To continue review of your request, please submit your response to this letter within 15 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, CPH
Health Physicist
Materials Licensing Branch

Control No.: 647631
Docket No.: 030-04910
License No.: 21-12192-01