



**RADIATION PROTECTION SECTION
RADIOACTIVE MATERIALS BRANCH**

GUIDANCE ON CHANGE OF CONTROL OF OWNERSHIP

INSTRUCTIONS: Read this guidance carefully. Mail **ONE** copy along with any attachments to: *Branch Manager, Radioactive Materials Branch, Radiation Protection Section, 1645 Mail Service Center, Raleigh, N.C., 27699-1645*. Upon review of the information contained herein or attached to this document, the agency will inform the licensee in writing of its determination. **IF** the agency determines that issuance of a new license is required, the application **MUST** be submitted as prescribed by agency regulations.

INTRODUCTION:

15A NCAC 11 .0338(b) states "*No license issued or granted pursuant to this Section and no right to possess or utilize radioactive material granted by any license issued pursuant to this Section 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 agency, after securing full information, finds that the transfer is in accordance with the provisions of the Act, and gives its consent in writing.*"

In general, control over licensed activities can be viewed as the authority to decide when and how that license (including all licensed materials and activities) will be used. This regulation also means that a license is not an "asset" which can be "sold" during any change of ownership interaction. A change of ownership may not necessarily constitute a change of control, depending on whether the authority over the license has transferred from one person to another.

The agency has developed the following guidance to assist licensees with change of control issues. Read the form carefully and submit all required information.

The agency will review the information submitted and make a determination as to whether the license may be amended to incorporate the information or whether a new license application needs to be submitted. You will be informed **IN WRITING** of the agency's decision in this matter.

DEFINITIONS:

Control: Control of the license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and thus the direction of the activities under the license.

Transferee: A transferee is an entity that proposes to purchase or otherwise gain control of a licensed operation.

Transferor: A transferor is an agency licensee selling or otherwise giving up control of a licensed operation.

Licensees must provide full information and obtain the agency's **PRIOR WRITTEN CONSENT** before transferring control of the license. The agency will make a determination on whether or not the existing license can be amended or the issuance of a new license is required.

1. License No.:	2. Licensee name: <i>(if this is a name change, see also Item 9.A. below)</i>	Name Change? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Amendment No. listed on current license:	4. Expiration Date	
5. Physical Address:		New address? <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Mailing Address:		New address? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Radiation Safety Officer (as listed on current license):		Telephone Number () - Facsimile Number () -
8. Name, title, and telephone number of person to be contacted (if other than RSO):		Telephone Number () - Facsimile Number () -



**RADIATION PROTECTION SECTION
RADIOACTIVE MATERIALS BRANCH**

GUIDANCE ON CHANGE OF CONTROL OF OWNERSHIP

9. Description of information required to make determination. Attach information as necessary. If any items are not applicable, so state.	Attached	NC*	N/A	Description
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A. Provide a complete description of the transaction (transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name and appropriate documentation from the N.C. Secretary of State's Office.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C. Describe any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D. Describe the status of the surveillance program (surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.
For Items E. and/or F. attach confirmation to this form or state "N/A"	<input type="checkbox"/>		<input type="checkbox"/>	E. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to the agency as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.
	<input type="checkbox"/>		<input type="checkbox"/>	F. 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.
* NC means "No Change"				

CERTIFICATION (MUST be completed by in all cases)

10. **The licensee and any official executing this certificate on behalf of the licensee named in Item 2. above, certify that all information contained herein, including any supplements attached hereto, has been prepared in conformity with all applicable North Carolina Laws and Regulations and is true and correct to the best of our knowledge and belief.**

BY: _____

Signature of Certifying Official

Date Signed

Printed Name **and** Title of Certifying Official

e