

**FORM RPS-12, TRANSFER OF CONTROL OF SPECIFIC RADIOACTIVE MATERIALS LICENSE**



Kentucky Radiation Health Branch  
Department for Public Health  
Cabinet for Health and Family Services  
275 East Main Street  
Mailstop HS1C-A  
Frankfort, KY 40621

RPS-12  
Rev. 01/2015

<http://www.chfs.ky.gov/dph/radioactive.htm>

1. Current licensee requesting permission to transfer control of its existing specific license (“transferor”):

Licensee Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

License No. \_\_\_\_\_ Amendment No. \_\_\_\_\_ Expiration Date: \_\_\_\_\_

The Radiation Health Branch (RHB) reviews requests for transfer of license control on a case-by-case basis. RHB may require the entity seeking to gain control of the existing license (the “transferee”) to apply for brand new specific license and require the termination of the existing specific license based upon the following: 1) Attempted transfer of license control before prior notification and written consent of RHB, 2) license initially granted more than five (5) years previously and 3) license not Amended in Entirety within the last five (5) in accordance with 902 KAR 100:040. (see <http://www.lrc.ky.gov/kar/902/100/040.htm>)

2. Entity requesting permission from RHB to assume control of above specific license (Transferee)

Transferee Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Transferee is registered with the Kentucky Secretary of State’s Office:  Yes  No

If yes, under what name: \_\_\_\_\_

If no, please explain why not: \_\_\_\_\_

All corporations (profit, non-profit & professional service), limited liability companies (profit, non-profit & professional service), limited partnerships (filed under 2006 Act), limited liability limited partnerships and business trusts are required by law to register with the Kentucky Secretary of State and to file an annual report by June 30th of each year (see <http://www.sos.ky.gov/business/filings/>)

3. I do hereby declare under penalty of perjury that the foregoing information contained in the following “Transfer of Control Application” is true and correct.

\_\_\_\_\_  
Signature & Title of Licensee Management

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature & Title of Transferee Management

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Date

## Information Needed for Transfer of Control Application

According to 902 KAR 100:040. General provisions for specific licenses. Section 11. Inalienability of Licenses. A license issued or granted under 902 KAR Chapter 100 or right to possess or utilize radioactive material granted by a license issued under 902 KAR Chapter 100 shall not be transferred, assigned, or otherwise disposed of, through transfer of control of a license to a person unless the Cabinet, after securing full information, finds that the transfer is in accordance with the requirements of 902 KAR Chapter 100 and gives its consent in writing (see <http://www.lrc.ky.gov/kar/902/100/040.htm> ). Licensees must provide full information and obtain the Radiation Health Branch' (RHB's) prior written consent before transferring control of the license; some licensees refer to this as "transferring the license." Provide the following information concerning changes of control by the applicant (licensee and/or transferee, as appropriate). If any items are not applicable, so state.

- 1) The new name of the licensed organization. If there is no change, the licensee should so state.
- 2) The new licensee contact and telephone number(s) to facilitate communications.
- 3) Any changes in personnel having control over licensed activities (e.g., officers of a corporation) and any changes in personnel named in the license such as radiation safety officer (RSO), authorized users, or any other persons identified in previous license applications as responsible for radiation safety or use of licensed material. The licensee should include information concerning the qualifications, training, and responsibilities of new individuals. If a change is RSO is required, submit a copy of the new RSO's qualifications including course certificates along with the RSO Delegation of Authority, RSO Duties and Responsibilities, Organizational Chart with respect to the RSO and if required, Signature Authorization for the RSO, all signed and dated by a member of senior management of the transferee.
- 4) An indication of whether the transferor will remain in non-licensed business without the license.
- 5) A complete, clear description of the transaction, including any transfer of stocks or assets, mergers, etc., so that legal counsel is able, when necessary, to differentiate between name changes and transferring control.
- 6) A complete description of any planned changes in organization, location, facility, equipment, or procedures (i.e., changes in operating or emergency procedures).
- 7) A detailed description of any changes in the use, possession, location, or storage of the licensed materials. Include a copy of the most recent six (6) month physical inventory of all sealed sources and devices possessed by the licensee and provide proof of disposition in the form of a completed RPS-10, Disposition of Radioactive Materials for any sealed sources and devices that are listed in conditions 6-9 on the license which do not appear on the most recent physical inventory.
- 8) Any changes in organization, location, facilities, equipment, procedures, or personnel that would require a license amendment even without transferring control.
- 9) An indication of whether all surveillance items and records (e.g., calibrations, leak tests, surveys, inventories, and accountability requirements) will be current at the time of transfer. Provide a description of the status of all surveillance requirements and records.
- 10) Confirmation that all records concerning the safe and effective decommissioning of the facility, pursuant to 902 KAR 100:042. Decommissioning and financial surety. (see <http://www.lrc.ky.gov/kar/902/100/042.htm>); public dose; and waste disposal by release

to sewers, incineration, radioactive material spills, and on-site burials, have been transferred to the new licensee, if licensed activities will continue at the same location, or to the RHB for license terminations.

- 11) A description of the status of the facility, specifically, the presence or absence of contamination should be documented. If contamination is present, will decontamination occur before transfer? If not, does the successor company agree to assume full liability for the decontamination of the facility or site?
- 12) A description of any decontamination plans, including financial assurance arrangements of the transferee, as specified in 902 KAR 100:042. Decommissioning and financial surety. (see <http://www.lrc.ky.gov/kar/902/100/042.htm>). Include information about how the transferee and transferor propose to divide the transferor's assets, and responsibility for any cleanup needed at the time of transfer.
- 13) Confirmation that the transferee agrees to abide by all commitments and representations previously made to RHB by the transferor. These include, but are not limited to: maintaining decommissioning records required by 902 KAR 100:042, Section 11. Financial Assurance and Recordkeeping for Decommissioning for Radioactive Material; implementing decontamination activities and decommissioning of the site; and completing corrective actions for open inspection items and enforcement actions.
  - a. With regard to contamination of facilities and equipment, the transferee should confirm, in writing, that it accepts full liability for the site, and should provide evidence of adequate resources to fund decommissioning; or the licensee should provide a commitment to decontaminate the facility before transferring control.
  - b. With regard to open inspection items, etc., the transferee should confirm, in writing, that it accepts full responsibility for open inspection items and/or any resulting enforcement actions; or the transferee proposes alternative measures for meeting the requirements; or the licensee provides a commitment to close out all such actions with RHB before license transfer.
- 14) Documentation that the licensee and the transferee agree to transferring control of the licensed material and activity, and the conditions of transfer; and the transferee is made aware of all open inspection items and its responsibility for possible resulting enforcement actions.
- 15) A commitment by the transferee to abide by all constraints, conditions, requirements, representations, and commitments identified in the existing license. If not, the transferee must provide a description of its radiation safety program to ensure compliance with the license and the regulations.

Completed copies of the RPS-12 form along with responses to the above fifteen (15) questions in the transfer of control application must be submitted in to the following address:

Kentucky Radiation Health Branch  
275 East Main Street  
Mailstop HSIC-A  
Frankfort, KY 40621

There is no fee associated with the transfer of control of an existing specific license provided no amendments are required for RHB to approve the transfer. However, if RHB deems that an amendment to the license is required based on the information provided by either the licensee or transferee, a check for the amount specified in 902 KAR 100:012 (see <http://www.lrc.state.ky.us/kar/902/100/012.htm>), must be submitted along with the completed transfer of control application. For additional information or assistance with the transfer of control process, please call RHB at (502) 564-3700 during the hours of 8:00 AM to 4:00 PM.