



# **Radiation Control Program Rule Guide 8.1**

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**Guidance About Changes of  
Control and About Bankruptcy**



**TEXAS**  
Health and Human  
Services

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Texas Department of  
State Health Services

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## 1. Agency Contacts

For questions on this guide, please contact:

Phone: (512) 834-6661

Email: [RAMlicensing@dshs.texas.gov](mailto:RAMlicensing@dshs.texas.gov)

The rules and forms referenced in this guide, as well as this and other guides, are available at [www.dshs.texas.gov/radiation](http://www.dshs.texas.gov/radiation).

We welcome suggestions for improvements of this guide. Please send comments and suggestions to:

Department of State Health Services

Attn.: Manager, Radioactive Materials Licensing-MC 2835

P.O. Box 149347

Austin, Texas 78714-9347

## 2. Overview

### Scope and Purpose

The Department of State Health Services (DSHS, the Agency) regulates the use of radioactive material. Chapter 401 of the Texas Health and Safety Code contains the Radiation Control Act. Use this report as a guide for notifying the agency of a change in control. A change in control may require either a license amendment or a new license application. We will evaluate each notification on a case-by-case basis. This document also provides instructions for notifying the agency of the bankruptcy.

The terms “we”, “us”, “our” and “the Agency” refer to the Department of State Health Services. The terms “you” and “your” refer to the radioactive materials licensee.

This guide is not a substitute for the rules in Title 25 Texas Administrative Code (25 TAC) Chapter 289 and we do not require compliance with it. The approaches and methods described in this report are for your information only. We may accept different methods and solutions if they include a basis for us to make the determinations needed to issue or amend a license.

### Change of Control

The rule in Title 25 Texas Administrative Code (25 TAC) §289.252(x)(2) states:

*“No license issued or granted in accordance with this section and no right to possess or utilize radioactive material granted by any license issued in accordance with 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 shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and to applicable rules, now or hereafter in effect, and orders of the agency, and shall give its consent in writing.”*

When we issue you a radioactive materials license, you cannot transfer, assign, or dispose of it without our prior written approval. This includes voluntary, involuntary, direct, or indirect transfers of control. In this document, we use the word “change” rather than “transfer”.

The purpose of this rule is to allow us the chance to review changes to the oversight, control, or safety for a license.

We consider “control over licensed activities” to be the authority to decide when and how to use licensed radioactive material. An *ownership change* is an example of a change of control if authority over the license has transferred from one person to another. The transfer of stock or other assets is not necessarily a change of control. Has authority over the license changed? If so, then it is a change of control.

We do not need for you to tell us about internal changes that have no impact on the structure or funding of a licensee. Ownership or control changes resulting from legal changes *do* require our prior consent. Examples of these legal changes include mergers, buyouts, or majority stock transfers. Internal management adjustments and actual changes of control may be difficult to distinguish. Licensees must tell us about actual or suspected changes of control.

It is not our intent to interfere with your business decisions. You must tell us before the actual change of control occurs. We ask for 60 days’ notice, if possible. This allows us to review all aspects of the proposed changes of control. You will only need to submit business information relevant to the change of control. We must ensure these changes do not compromise the public’s health and safety. When your program undergoes a change of control, we must be confident that you maintain the program’s radiation safety, security, and environmental protection.

### **Government Agencies:**

We are also concerned with change of control as it affects government agencies. For government agencies, we consider the lowest organizational level listed in Condition 1 of the license to be the licensee.

### **Broad Scope Licenses:**

Some licensees have a *broad scope license*, which authorizes a Radiation Safety Committee to issue permits. Broad scope license permits authorize individuals to use licensed materials at the sites on the license. We do not review or approve new broad scope permit holders, their usage areas, or changes in their authorization. A change in control from the broad scope licensee to another organization needs our prior written consent. Before a medical center is transferred from one government agency to another, we must approve of the transfer in writing before the change occurs.

## Bankruptcy

The rules in 25 TAC §289.252(x)(6) through (8) state:

- (6) Each licensee shall notify the agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy by the licensee or its parent company, if the parent company is involved in the bankruptcy.*
- (7) The notification in paragraph (6) of this subsection shall include:
  - (A) the bankruptcy court in which the petition for bankruptcy was filed;*
  - and*
  - (B) the date of the filing of the petition.**
- (8) A copy of the petition for bankruptcy shall be submitted to the agency along with the written notification.*

You must tell us in writing immediately following your bankruptcy filing. Your notification must include the bankruptcy court handling the petition, the petition filing date, and a copy of the bankruptcy petition.

## Notification and Approval Process

If your program changes due to a change of control or bankruptcy, the existing license may need to be changed. In some cases, the agency may require the transferee or successor to apply for a new license. Appendix A of this guide lists the steps required from you to get agency approval.

## Guide Format

Terms used in the guide:

**Rules**—references the rules applicable to the item.

**Criteria**—outlines the criteria used to judge the adequacy of the applicant's response.

**Discussion**—provides additional information.

**Response from Applicant or Licensee**—provides a suggested response if we require a response for that topic.

Notes are self-explanatory.

## 3. Management Responsibility

Effective program management is vital to achieving safe, secure, and compliant operations.

“Management” refers to both the radiation safety program and to the people who provide the resources to achieve compliance.

### Commitments and Responsibilities

It is your responsibility to keep the license current. If a change of control or a bankruptcy action affects your program, you must amend it to reflect that change. Let us know and apply for an amendment before the changes take effect. To extend the license after its end date, submit a license renewal application at least 30 days before the end date (see 25 TAC §289.252(z) “Renewal of licenses”).

If you are applying for an initial license, you should update your pending applications if your company or agency is undergoing a change of control or bankruptcy.

If a change of control, such as change of ownership, occurs without the agency’s prior written consent, we may take enforcement action for the violation of the provisions of 25 TAC §289.252(x)(2).

## 4. Information Needed for a Change of Control

**Rules:** 25 TAC §289.252(x)

**Criteria:** 25 TAC §289.252(x)(2) requires that the Agency approve any transfer of control of a license. The approval must be in writing and must occur before the transfer. The Agency must secure full information about the transfer to determine if rules will permit the transfer.

You must tell the agency that you are undergoing a possible change of control. While there is no set time frame, the agency needs adequate time to review. You should submit the notification at least 60 days prior to a change in control, as described in Sections 4.1 – 4.7. We will review the information and notify you if the change is a change in control. We will also provide instructions on how to proceed with either a new license application or license amendment, if applicable.

**Discussion:** Control over licensed activities is the authority to decide when and how to use licensed material. An ownership change may be an example of a change of control, if the license authority transfers from one person to another. Transfers of stock or other assets are not always a change of control. Has the entity that exercises authority over the license changed? **In all cases, it is the Agency's responsibility to determine whether a change of control has taken place. We will make the determination on a case-by-case basis.**

The existing licensee handles notifying the Agency of a change in control. The transferee or the successor may need to provide supporting information.

### **Response from the Licensee:**

See Appendix B for the information required to request our approval of a change of control.

### **4.1 Transaction Description**

**Rules:** 25 TAC §289.252(x)(3)



**Criteria:** Provide a complete, clear description of the transaction of the change in control. Include: 1) the transferee's identity, 2) the transferee's technical and financial qualifications, and 3) financial assurance for decommissioning information.

**Discussion:** We need descriptions of any transfer of stocks or assets or mergers. We need this information to tell the difference between name changes and changes of control.

You need to either include the licensed organization's new name or state that the name has not changed. If applicable, you should include the new licensee contact and telephone number(s). You should also include a pre- and post-transaction organizational chart which should show the corporate structure of the license holder and its parent companies, if any.

**Response from the Licensee:**

- Provide notification of a Change of Control.
- Provide the information described in Sections 4.1 – 4.7 by submitting either the "Transfer of Control" application in Appendix B or equivalent information.

## 4.2 Personnel Changes

**Rules:** 25 TAC §289.252(x)(2)

**Criteria:** Before approving a change of control, the agency must review certain personnel changes.

**Discussion:** You must review changes in the personnel who are responsible for radiation safety. You must review any changes in the personnel who have control over licensed activities. Personnel may include:

- corporate officers or other management individuals who are listed on the license;
- corporate officers or other management individuals who are referred to in the supporting documentation;
- the radiation safety officer;
- authorized users identified on a license; and
- if applicable, the reviewing official as described in 25 TAC §289.252(ii)(3)(B).

If a change of control will result in changes to personnel listed on the license, submit their qualifications as well. Refer to the Application Guide under your license type to find the training and experience information required. Do not submit extra information, like research grants or society memberships. Do not include personal information such as home addresses, Social Security numbers, marital status, names of spouse and children, or age.

**Response from the Licensee:**

- Describe changes in personnel, particularly those requiring a license amendment, regardless of the change of control.
- Provide the training and experience documentation for new individuals to be listed on the agency license.

**OR**

- State that there will be no changes to personnel.

## **4.3 Changes of Location, Equipment, and Procedures**

**Rules:** 25 TAC §289.252(x)(2)

**Criteria:** You must submit a complete description of any planned changes in location, facilities, equipment, or procedures.

**Discussion:** Provide a detailed description for any change that would normally require a license amendment. Include any changes in the organization that may not be listed in Section 4.2 of this guide.

Describe any changes to the facilities where you will use or store radioactive material. Describe any facility contamination if you are removing a place of use from the license. You must describe equipment and provide descriptions of all equipment changes. We must review any procedure changes. This includes both

routine operating and emergency procedures. We must ensure that they are adequate for the types and uses described on the license.

**Response from the Licensee:**

- Describe changes in place of use, including potentially affected adjacent areas, as required.
- Describe facility changes where licensed material is used or stored.
- Describe changes in equipment used in the licensed program.
- Submit relevant procedural changes.

**OR**

- State that there will be no changes to the locations of use, equipment, or procedures.

## 4.4 Surveillance Records

**Rules:** 25 TAC §289.252(x)(2)

**Criteria:** Before we approve the change of control, you must submit a status review of all applicable surveillance requirements and records. Is the surveillance program current? If not, will be current at the time of transfer?

**Discussion:** Typical surveillance records include:

- Leak tests
- Physical inventories
- Area surveys
- Wipe tests
- Training records
- Quality control records
- Applicable security requirements, etc.

You can find surveillance requirements in the license, the rules, or the agency application guides. You must review all relevant surveillance records to ensure that the records will be current at the time of transfer. Include an explanation if a record is not current. The need for surveillance items in the rules or the license is not waived due to a change of control.

### **Response from the Licensee:**

- Submit a statement that all required surveillance has been performed, documented, and reviewed, including the results if appropriate.
- If surveillance items are not or will not be completed, submit the reasons, any corrective actions, and/or the date these corrective actions will be submitted to the agency.

## **4.5 Decommissioning and Related Records Transfers**

**Rules:** 25 TAC §289.201(d), 25 TAC §289.202(ddd)(1), 25 TAC §289.202(ddd)(2), 25 TAC §289.202(p), 25 TAC §289.252(x)(2), 25 TAC §289.252(gg)(7)

**Criteria:** You must transfer decommissioning records to the transferee or successor. You must provide the agency with results of radiation level and contamination surveys. The results will identify any contaminated facilities or equipment. The transferee must confirm, in writing, that they accept full responsibility for decommissioning the site. This includes any contaminated facilities and equipment.

**Discussion:** You must maintain all records important to safe and effective decommissioning, including:

- sealed source leak test results,
- evaluations concerning waste disposal by release as effluents (either air or water),
- release to sewers,
- incineration,
- disposal of liquid scintillation medium and animal tissue as if it were not radioactive,
- and disposal by methods specifically allowed through the license.

After the transfer, the new licensee will become responsible for maintaining these records. They must maintain the records until the agency terminates the license. Will licensed activities will continue at the same location? Then we need

confirmation that you have transferred all decommissioning records to the new licensee. If the license is terminated, these records must be sent to us.

We will not allow a change of control or license termination unless you send all required records either to the new licensee or to us, as needed. You do not have to send records if you have 1) unsealed material with a half-life of less than 120 days or 2) sealed material with no history of source leakage.

You must document ambient radiation levels and the presence or absence of contamination. The documentation must include, as appropriate, the method and sensitivity of the evaluation. The documentation should describe how and when any needed decontamination will occur.

Who will be responsible for the decontamination and decommissioning of licensed facilities? They must have the required financial assurance. They must show any effects that the change of control will have on financial assurance for decommissioning. You must amend financial assurance documents to reflect the change in control. Do these documents refer to decontamination plans? Do they include financial assurance arrangements in support of a decommissioning funding plan? Will licensed activities continue throughout the transfer process? Then everyone should agree to a contamination survey before the transfer. If there is no agreement, the facility is transferred "as is".

**Response from the licensee:**

- Provide a listing of the drawings and records important to decommissioning. Transfer them to the transferor.
- Describe the method and proposed timetable for the transfer of required records.
- Provide a commitment by the transferee to maintain the records received from the transferor.
- Provide a description of the facility showing contamination and ambient radiation levels.
- Describe any decontamination needed at the facility before the change in control.
- Does decommissioning happen after the change of control? Confirm that they know how much contamination there is and applicable decommissioning requirements.

- Will operations continue during the transfer process? If so, provide: 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.

**Notes:**

- Contact us to determine acceptable methods and criteria for decommissioning and releasing licensed facilities for unrestricted use.

## **4.6 Transferee’s Commitment to Abide by the Transferor’s Commitments**

**Rules:** 25 TAC §289.252(x)(2)

**Criteria:** The transferee must either commit to abide by all license requirements in the existing license or describe its own program that complies with the license and all applicable rules.

**Discussion:** If the transferee agrees to abide by all requirements and commitments the transferor made to the agency, they should provide:

- any license amendment support information (including documents needed in the tie-down condition of the license)
- decommissioning records maintenance required by 25 TAC §289.252(gg)
- completed corrective actions for open inspection items and enforcement actions and,
- if required, implementation of site decontamination and decommissioning activities.

They may also submit a description of their own program to ensure its compliance with the license and Agency rules.

The transferee should confirm, in writing, that it knows about any open inspection items or enforcement actions. They must accept responsibility for these. The

transferee may suggest other plans for meeting these requirements. The transferor may commit to close out all actions with the Agency before license transfer.

**Response from Licensee:**

- Agree to abide by all requirements and commitments in the existing license. Or provide a description of the transferee’s program to ensure compliance with the existing license and rules.
- Describe the actions you will take to resolve any open inspection and enforcement issues.
- Provide a new delegation of authority by the new management for the RSO.

## **4.7 Registration with the Texas Secretary of State to Conduct Business**

**Rules:** 25 TAC §289.252(e)(11)

**Criteria:** You must be currently registered with the Secretary of State to conduct business in the state, unless you are exempt from registration. If you use an assumed name or “doing business as” (dba), you must file an assumed name certificate with the Secretary of State and/or the office of your county clerk.

**Discussion:** Applicants can prove that their business is registered by providing documents or certificates issued by either the Secretary of State or by the office of their county clerk. Visit the Texas Secretary of State’s website for instructions on how to get copies of documents or certificates.

**Response from Licensee:**

- Provide a completed RC Form 252-1 Business Information Form with the correct box checked under “Certification of Financial Qualification” and “Authorization to Conduct Business in Texas.” Provide attachment(s) as requested.

## 5. Information Needed for a Bankruptcy

**Rules:** 25 TAC §289.251(i)(3) and (4), 25 TAC §289.252(x)(6) and (7)

**Criteria:** Both you and any persons holding a GLA (general license acknowledgement) must notify the agency, in writing, immediately following a bankruptcy filing. This notification must identify both the filing date and the bankruptcy court.

**Discussion:** Your financial condition can affect your ability to control licensed material. Notify the Agency of changes so it can ensure that appropriate measures to protect the public health and safety have been or will be taken. These measures include the following:

- maintaining control and security of licensed material and contaminated facilities
- maintaining control and security of sensitive matter and information, including computer networks
- transferring licensed material only to an authorized agency, U.S. Nuclear Regulatory Commission, or Agreement State licensee
- retaining properly trained and experienced personnel to implement appropriate radiation safety measures

**Licensees who have filed for bankruptcy remain responsible for all regulatory requirements.**

If you own contaminated property transferred by the licensee before decommissioning was completed, you must follow all applicable agency requirements. This includes obtaining an agency license and completing decommissioning.

Agency licenses remain in full effect, even beyond their end date, until terminated in writing by the agency.



**Response from Licensee or Applicant:** A licensee must immediately tell the agency, in writing, the following:

- bankruptcy court in which the petition was filed
- date that the petition was filed

Licensees are requested to provide the information described in Appendix C of this guide.

**Notes:**

- These requirements apply to a bankruptcy proceeding that is
  - for or against the licensee itself,
  - an entity controlling the licensee,
  - an entity listing the licensee as a property of the estate,
  - or an affiliate of the licensee.

For example, Company A owns Company B, and Company B is an agency licensee. Company A files to reorganize under Chapter 11 of the bankruptcy law. Company B must tell the agency immediately after such a filing.

- Licensees (or entities controlling a licensee, or licensee affiliates) should contact the agency for further information or guidance.
- A general licensee that has filed for bankruptcy must determine the applicable rules and follow any rules specific to their situation.

## **Appendix A. Licensing Process for Changes of Control**

The agency evaluates each notification of change of control on a case-by-case basis. The general process is as follows:

### **Change of Control Requiring a New License Application**

#### LICENSEE (TRANSFEROR) ACTIONS

- Complete and submit the "Transfer of Control" application form in Appendix B at least 60 days before a change in control.

#### AGENCY ACTIONS

- Review the completed "Transfer of Control" application within 30 days of receipt.
- Provide you with:
  - written consent to the change in control and
  - a decision that a you need a new license.

This authorizes you to continue to operate under the existing license until we issue you a new one. The letter will also request that a new license application be filed.

- Terminate the existing license and issue a new license, once full information has been secured.

#### NEW APPLICANT (TRANSFeree) ACTIONS

- Submit a license application and use the Agency Application or Regulatory Guide that is appropriate to the use under the license. Submit it within 30 days of the transferee assuming control of the licensed activities.

### **Change of Control Requiring an Amendment to the Existing License**

#### LICENSEE ACTIONS

- Complete and submit the "Transfer of Control" application form in Appendix B at least 60 days before a change in control.

- Respond, within 30 days, to the agency's request to amend the license. File these amendments in accordance with 25 TAC §289.252(aa), "Amendment of licenses at request of licensee."

#### AGENCY ACTIONS

- Review the completed "Transfer of Control" application within 30 days of receipt.
- Provide you with
  - written consent to the change in control and
  - a determination in writing that an amendment to the existing license is required.

#### **Change of control requiring no further action**

#### LICENSEE ACTIONS

- Complete and submit the "Transfer of Control" application form in Appendix B at least 60 days before a change in control.

#### AGENCY ACTIONS

- Review the completed "Transfer of Control" application within 30 days of receipt.
- Provide you written consent to the change in control and notification that no further action is required.

## Appendix B. Transfer of Control Application Form

Include contact information for follow-up, as needed.

Name and Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### Definitions:

**Control:** License control is in the hands of the person(s) who are in a position to decide when and how that license will be used. These are people who, because of ownership (or explicit authority delegated by the owners), can determine corporate policy and, thus, the direction of the activities under the license.

**Transferee:** An entity that proposes to purchase or otherwise gain control of an agency-licensed operation.

**Transferor:** An Agency licensee selling or otherwise giving up control of a licensed operation.

### Information Needed for a Transfer of Control Review

You must provide full information and get the Agency's prior written consent before transferring control of the license. Provide the following information on the applicant's changes of control (transferor and/or transferee, as appropriate). If any items are not applicable, so state.

#### Description of Transaction

1. Describe any planned organizational changes. These may include but are not limited to the transfer of stocks or assets and mergers, or changes in members of Boards of Directors,
2. Provide the new licensee name—dba or assumed name, if applicable—mailing address, and contact information, including phone numbers. Identify when the amendment request is due to a name change only.
3. Include pre-and post-transaction organizational charts showing the license holder's corporate structure and its parent companies, if any. Identify groups or individuals who have control over the radiation protection program.

### **Changes of Personnel**

4. Describe any changes in or duties related to the licensed program.
5. Include training and experience for new personnel and any changes in the training program.

### **Changes of Location, Equipment, and Procedures**

6. Describe changes in place of use, including potentially affected adjacent areas, as required.
7. Describe facility changes where licensed material is to be used or stored.
8. Describe any equipment changes in the licensed program.
9. Submit relevant procedural changes.

### **Surveillance Records**

10. Submit a statement that all required surveillance has been performed, documented, and reviewed. Include a copy of the results, if appropriate.
11. If surveillance items will not be completed, submit
  - a. the reasons,
  - b. corrective actions,
  - c. and/or the date these corrective actions will be submitted to the agency.

### **Decommissioning and Related Records Transfers**

12. State the following: "Pursuant to 25 TAC §289.252(gg)(7), we will maintain drawings and records important to decommissioning and will transfer these records to an agency, U.S. Nuclear Regulatory Commission, or Agreement State licensee before licensed activities are transferred; or we will transfer the records to the agency before the license is terminated."
13. Describe the method and proposed timetable for the transfer of required records.
14. Provide the transferee's commitment to maintain the records received from the transferor.
15. Provide a description of the facility showing contamination and ambient radiation levels.
16. Describe any decontamination done to prepare the facility for decommissioning before the change of control.
17. If decommissioning will not occur until after the change of control,
  - a. describe any contamination, and

- b. confirm that the transferee knows the extent and levels of contamination and decommissioning requirements.
18. If operations continue during the transfer process, provide either:
- a. an agreement to perform a survey confirming that the facility is free of contamination, or
  - b. an agreement by the transferee to accept the facility “as is” on the date of transfer.

### **Transferee’s Commitment to Abide by the Transferor’s Commitments**

- 19. Submit documentation that both transferor and transferee agree to
  - a. transferring control of the licensed material and activity,
  - b. the conditions of transfer, and
  - c. that the transferee knows about any open inspection items and will be responsible for any possible resulting enforcement actions.
- 20. Provide an agreement to abide by all constraints, requirements, representations, and commitments identified in the existing license. Or provide a description of the transferee’s program to ensure compliance with the license and rules.
- 21. Describe the actions you will take to resolve open inspection and enforcement issues.
- 22. Submit a copy of the new delegation of authority to the RSO from the proposed new management.

### **Registration with the Texas Secretary of State to Conduct Business**

- 23. Provide a completed RC Form 252-1 Business Information Form with the applicable box checked under “Certification of Financial Qualification” and “Authorization to Conduct Business in Texas.” Provide attachment(s) as requested.

## **Appendix C. Suggested Format for Requests for Additional Information Regarding Bankruptcy**

The following pages contain a sample agency letter to send to companies declaring, or about to declare, bankruptcy and, if applicable, to the parent company or legally responsible representative.

- (Licensee contact)
- (Title of licensee contact)
- (Address of licensee contact)

SUBJECT: POSSIBLE BANKRUPTCY NOTIFICATION INFORMATION

Dear (licensee contact):

(Name of licensee) possessing Texas Department of State Health Services (the agency) Radioactive Material License No(s)\_\_\_\_\_ has filed (or is considering filing) for bankruptcy. The agency requires all licensees that are the subject of a bankruptcy filing to immediately tell, in writing, the agency of this action.

The requirements for licensees that are the subject of a bankruptcy filing can be found in 25 TAC §289.252(x)(6) and (7). These rules are to ensure that public health and safety is adequately protected, and that radioactive material is properly controlled.

Any licensee who is involved in a bankruptcy proceeding, either voluntarily or involuntarily, under any chapter of the bankruptcy law, must tell the agency, in writing, immediately after the filing.

These rules apply to a bankruptcy proceeding, for or against the licensee itself, an entity controlling the licensee, an entity listing the licensee as a property of the estate, or an affiliate of the licensee.

The notification must include the identity of the bankruptcy court in which the petition was filed and the date the petition was filed.

The rules cited above require each licensee to provide the required notification. Provide to us the names, addresses, and telephone numbers of any other entities

who may be affected by the bankruptcy (i.e., other daughter companies of a bankrupt parent company, where the daughter has an agency license).

In addition, provide the following information:

1. List any radionuclides and/or nuclear gauges currently possessed by your company. Include any generally licensed material.
2. Indicate if you plan to dispose of or transfer any of your radionuclides and/or nuclear gauges during bankruptcy proceedings.
3. For each of the radionuclides and/or nuclear gauge(s) identified above, specify whether the radionuclide(s) and/or device(s) are in use or in secured storage.
4. Indicate whether any changes have taken place in terms of the radiation safety officer or authorized user(s) for the radionuclides and/or nuclear gauges.
5. Specify the type of bankruptcy filed, such as Chapter 7, 11, 12, or 13.
6. Describe any changes that are planned for the company operations and use/storage/disposition of the radionuclides and/or nuclear gauges during the bankruptcy proceedings.
7. Indicate the anticipated date when the bankruptcy will end.
8. Specify any other affiliated companies that may also have radionuclides and/or nuclear gauges that require an agency license. If so, specify what radionuclides and/or nuclear gauges they possess, and specify the license number and location of the company.
9. Specify a contact person and the frequency at which they will update the agency about any changes in the status of the radionuclides and/or nuclear gauge(s), or of the bankruptcy proceedings. Immediately contact the agency about any change in the status of the use, security, and/or storage of the radionuclides and/or nuclear gauges and any change in the individual(s) responsible for the radionuclides and/or nuclear gauge(s).
10. For medical licensees, indicate the same information regarding PET radionuclides and the length of time the licensee has been in operation.



11. Indicate whether the licensee had decommissioning financial assurance requirements, such as a financial "instrument."

Even though a licensee may be involved in bankruptcy proceedings, agency rules and license conditions remain in full effect. Agency licenses remain in full effect, even beyond their stated expiration date, until terminated in writing by the agency. If the licensee no longer exists as an entity, the person with legal control of contaminated equipment or property transferred by the licensee is obligated to control all licensed materials and to decontaminate and decommission any facilities or equipment and to comply with applicable agency requirements.

If you need to close a building, you must first properly secure, dispose of, or transfer all licensed material that was in the building.

If you need to lay off the radiation safety officer, you must first properly secure, dispose of, or transfer all licensed material, and you must inform the agency of this situation.

We will call you soon to verify the current status of your situation and to confirm the disposition of licensed material. We may also conduct an inspection to aid us in our evaluation of your situation. We will continue to monitor your activities to ensure that either the facility is cleaned up and licensed material is properly disposed of, or the company is able to exit bankruptcy and operate normally.

If you have any questions, please contact me at...

Sincerely,

Manager, Radioactive Material Licensing Unit

Attachment: Information to Notify the Agency of Bankruptcy

Attachment

INFORMATION TO NOTIFY THE AGENCY OF BANKRUPTCY

1. Name of bankruptcy court where petition was filed \_\_\_\_\_

2. Date bankruptcy petition was filed \_\_\_\_\_

Your assistance is requested in identifying any other entities that may have U.S. Nuclear Regulatory Commission or Agreement State licenses that may be affected by the bankruptcy.

Company Name

Address

Telephone Number

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