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Guidelines for Material Licensing Actions in the Event of a Change of Ownership

Applicability:

All Massachusetts Radioactive Material Licensees

Purpose:

The Radiation Control Program (RCP) is issuing this guidance to summarize the required information a prospective or new owner must submit to RCP to determine the necessary licensing action and required documentation from the licensee and/or the prospective licensee to transfer control of a license.

Under 105 CMR 120.131(B) licenses cannot be transferred without written consent from RCP.¹ When a licensee plans or undergoes a transfer of ownership, including, but not limited to, sales, mergers, buy-outs, or majority stock transfers, the previously issued license must be reviewed and adjusted to account for the ownership change. Licensees should provide notification at least 90 days in advance to RCP whenever such decisions could involve changes in the corporate structure responsible for the management oversight, control, or radiological safety of licensed materials. The purpose of such notification is to allow the RCP to assure that: (1) radioactive materials are possessed, used, owned, or controlled only by persons who have valid RCP licenses; (2) materials are properly handled and secured; (3) persons using such materials are capable, competent, and committed to implement appropriate radiological controls; and (4) requirements, and public health and safety are not compromised by the use of such materials.

It is a violation of RCP regulations for a change of ownership to occur without prior written consent from the RCP and may result in enforcement action, including, but not limited to, civil penalties and orders against one or both of the parties involved.

¹ 105 CMR 120.131 (B) that “No license issued or granted under 105 CMR 120.100 and no right to possess or utilize radioactive material granted by any license issued pursuant to this Part 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 M.G.L. c. 111, §§ 3, 5M, 5N, 5O and 5P, now or hereafter in effect, and to all valid rules, regulations, and orders of the Agency, and shall give its consent in writing.”

Requirements:

Any notification to RCP of a change of name by a licensee must also state clearly if there is a change in the control of the license. The requirement to provide notification is by the existing licensee; however, it may be necessary for the transferee to provide supporting information.

Information Needed for Change-of-Ownership Applications:

The applicant (transferor and/or transferee, as appropriate) should address the following:

- (1) Provide the new name of the licensed organization, and if there will be no change to the organization's name, so state. Include the contact information for the new owner/facility's responsible individual (CEO) including address, telephone numbers(s), and email address.
- (2) Provide the new licensee contact, telephone numbers(s), and email address to facilitate communications.
- (3) Identity any changes in personnel named in the license, including any required information on personnel qualifications.
- (4) Indicate whether the seller/transferor will remain in business (as a separate entity) without the license.
- (5) Provide a complete, clear description of the transaction, including information regarding transfer of stocks or assets.
- (6) Indicate and fully describe any planned changes in organization, location, facilities, equipment, procedures, or personnel. For example, indicate if the names of the Radiation Safety Officer, authorized users, or any person identified in previous license applications as responsible for radiation safety or use of licensed material will change and the qualifications of any new individuals. In addition, provide the new Radiation Safety Officer contact telephone numbers(s), and email address to facilitate communications.
- (7) Indicate and fully describe any changes in use, possession, or storage of the licensed materials, or any changes in operating and/or emergency procedures.
- (8) Indicate whether all surveillance items and records, including radioactive material inventory and accountability requirements of the seller, will be current at the time of transfer. A description of the status of these requirements and records, (e.g., calibrations, leak tests, surveys, etc.) should be provided to us.
- (9) If applicable, please describe the status of the facility in terms of the presence or absence of contamination. If contamination is present, please indicate whether decontamination is to occur before the transfer, or does the buyer/transferee agree to assume full liability for decontaminating the site.
- (10) If applicable, please describe any decontamination plans, including financial assurance arrangements of the transferee as specified in 105 CMR 120.125 (C). This should 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.

- (11) Indicate explicitly whether the buyer/transferee will agree to abide by all commitments and representations previously made to the RCP by the seller/transferor.
- (12) Provide documentation that the seller and buyer agree to the change in ownership and licensed operation(s) and the conditions of transfer.
- (13) The buyer must either (1) make the commitment, in writing, to abide by all constraints, conditions, requirements, representations and commitments identified in the seller's radioactive material license, or (2) provide a description of its program to assure compliance with the license and regulations.

If you have questions about the information in these guidelines, please contact the Radiation Control Program at [Radiation Control | Mass.gov](#) or 617-624-5757.