

From: [KAVANAGH, Jackie](#)
To: [Lawyer, Dennis](#)
Cc: [Desgagne, Luc](#)
Subject: RE: Nordion (Canada) Inc., Request for Additional Information Concerning a Change of Control, Control Nos. 583775 and 583776
Date: Wednesday, May 21, 2014 2:43:38 PM

Hi Dennis,

A more detailed submission including the information you requested below was submitted to the NRC today both by Fedex and electronically. The submissions were made by a Washington based lawyer working on the acquisition team. The submission was addressed to Blake Welling. I trust the information will be forwarded to you. If Mr. Welling was not the correct contact, please let me know.

Regards

Jackie

Jackie Kavanagh
Senior Manager, EHS Compliance, Facility & Transportation Licensing

(613) 592-3400 (2730)

From: Lawyer, Dennis [mailto:Dennis.Lawyer@nrc.gov]
Sent: Wednesday, May 21, 2014 2:16 PM
To: KAVANAGH, Jackie
Cc: Desgagne, Luc
Subject: Nordion (Canada) Inc., Request for Additional Information Concerning a Change of Control, Control Nos. 583775 and 583776

Dear Ms. Kavanagh,

This is in reference to your letter dated April 15, 2014, giving NRC notification of a potential change of control for Nuclear Regulatory Commission License Nos. 54-28275-01, 54-28275-02MD, Docket Nos. 03030788, 03030793.

10 CFR 30.34(b) states that “no license issued or granted pursuant to the regulations...nor any right under a license 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 Commission shall find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.” Although not specifically addressed by 10 CFR 30.34, licensees undergoing a name change may also be affected by this regulation.

Control over licensed activities can be construed as the authority to decide when and how a license (licensed material and/or activities) will be used. A change of ownership may be an example of a change of control. The central issue is whether the authority over the

license has changed. In all cases, determining whether a change of control has taken place or whether a change is in name only is the Commission's responsibility.

Licensees must notify the Commission when they are undergoing a possible change of control and/or a change of name. While this notification is not required within a certain time frame, NRC needs adequate time to review the submittal to ensure that the transfer is in accordance with the regulations.

In order to process your request for a change of control/ownership and/or a name change, the information on the following pages is required. Our fax number is 610-337-5269. If you have any questions regarding our discussion or this fax, please contact me. When responding to this fax, please include the license, docket, and mail control numbers, located at the top of this page as well as the following pages. Thank you.

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

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

In order to have all of the required information on one document, please complete the following: If the response is different for the two different licenses then please reply separately for the two licenses.

Information Required for Change of Control and/or Change of Ownership
(Includes Change of Name)
Source: NUREG-1556, Volume 15

Please provide the following information concerning changes of control. If any items are not applicable, state so.

1. Provide a complete description of the transaction (i.e., transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who NRC may contact if more information is needed.

Description of the transaction:

No name change

New name of licensed organization: _____

No change in contact

New contact: _____

New telephone number: _____

2. Describe any changes in personnel or duties that relate to the licensed program.

Include training and experience for new personnel.

No changes in personnel having control over licensed activities.

Changes in personnel having control over licensed activities (e.g. officers of a corporation):

No changes in personnel named in the license.

Changes in personnel named in the license (e.g. RSO, AUs) - include training, experience and responsibilities:

3. Describe, in detail, any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.

- | | |
|--|---|
| <input type="checkbox"/> Organization: | <input type="checkbox"/> Equipment: |
| <input type="checkbox"/> Location: | <input type="checkbox"/> Procedures: |
| <input type="checkbox"/> Facility: | <input type="checkbox"/> Not applicable |

4. Describe the status of the surveillance program (i.e., surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.

A. Description of the status of all surveillance program:

B. Surveillance Items & Records: calibrations, leak tests, surveys, inventories, and accountability requirements will be current at the time of transfer

Yes No (explain)

5. 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.

Records transferred to:

New licensee NRC for license termination Not applicable

6. 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.

_____ will abide by all constraints, conditions,
(transferee company)

requirements and commitments of _____.
(transferor company)

Signature/Title
Transferee Official

Signature/Title
Transferor Official

date

date

OR

Description of proposed licensed program from transferee attached (with signature)

OR

Not applicable (name change only)

Certifying Officer - Signature Date

Certifying Officer - Typed name and title

We will continue our review upon receipt of this information. Please reply to my attention at the Region 1 Office (Address below) and refer to Mail Control Nos. 583775 and 583776. If you have technical questions regarding this letter, please call me at (610) 337-5366.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please note that you may not reply to this letter by return e-mail. Your reply must be in writing by letter or facsimile (610-337-5269). If we do not receive a reply from you within 30 calendar days from the date of this e-mail, we will assume that you do not wish to pursue your application.

Region 1 Office Mailing Address: Licensing Assistance Team, US Nuclear Regulatory Commission Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406-2713.

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