



June 24, 2016

Ms. Shirley Xu  
United States Nuclear Regulatory Commission  
Office of NMSS  
Mail Stop T8E18  
11555 Rockville Pike  
Rockville, MD 20852

Dear Shirley:

As per phone conversation with our radiation consultant, Sue Engelhardt regarding E-Distribution License 320-300024-02E, currently issued to OSRAM Sylvania, Inc., the following changes are occurring:

1. As of 1 July, 2016, all or substantially all of the assets and personnel which constitute the lamps business of OSRAM Sylvania, Inc., are being transferred to a new company, LEDVANCE LLC, a wholly-owned subsidiary of OSRAM Sylvania, Inc. (The incorporation information for LEDVANCE LLC is provided in an attachment.)
2. As part of the transfer, the three warehouses named on the E-Distribution license (Kentucky, California, and Pennsylvania) are being transferred to LEDVANCE LLC, as of that date. And, after July 1, LEDVANCE LLC will possess and distribute regulated materials from those warehouses.
3. Transfer of Control documents have been sent to the above three states and an updated license for Kentucky has been issued (see attached), approval from Pennsylvania to transfer control has been received from the State of Pennsylvania, and the State of California has notified the warehouse in Ontario, CA that their modified license will be issued very shortly.
4. Since the transfer leaves OSRAM Sylvania, Inc., without warehouse space for the lamps OSRAM will continue to store and distribute after July 1st, new licenses for OSRAM Sylvania, Inc. are being requested from each of the aforementioned states, allowing OSRAM Sylvania, Inc. to possess and store radioactive materials in these three warehouses. An agreement has been executed between OSRAM Sylvania, Inc., and LEDVANCE LLC to allow shared space and use of the on-site personnel (RSO and current staff) and inventory tracking systems. Please find attached description of that agreement signed by OSRAM Sylvania, Inc. and LEDVANCE LLC.

The current E-Distribution license is issued to OSRAM Sylvania, Inc. We wish to have LEDVANCE LLC named as the primary holder of this license (since LEDVANCE LLC will be the owners and LEDVANCE LLC employees will be the managers of the warehouses and named on the transfer of control documents). However, we wish to leave OSRAM Sylvania, Inc. named on the E-Distribution License to reflect the fact

OSRAM SYLVANIA  
200 Ballardvale Street  
Wilmington, MA 01887  
☎ (978) 570-3000

[www.sylvania.com](http://www.sylvania.com)


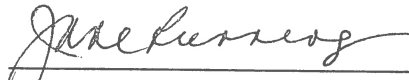
that the parent company will continue to store and distribute OSRAM Sylvania, Inc. regulated materials from these warehouses.

As required, we have addressed the 15 questions required by NRC to transfer control; that document is attached. The transfer of control leaves the same addresses for the warehouses, same personnel and same RSO. The radiation safety program, inventory management and regulatory compliance procedures are all the same.

As the documents funnel into us from the States we will forward them to you. We have attached the Kentucky License transfer of control, as that one is complete.

Please feel free to contact our radiation consultant, Sue Engelhardt or any of the undersigned individuals.

Sincerely,

  
\_\_\_\_\_  
Peter Van Breda, Vice President, Logistics  
For Americas (Vice President Logistics AME)  
OSRAM Sylvania, Inc.  
\_\_\_\_\_  
Lane Running, Vice President Finance  
OSRAM Sylvania Inc., and, as of the  
Effective Date, Vice President, Finance  
LEDVANCE LLC

ATTACHMENTS: Description of Agreements between LEDVANCE LLC and OSRAM Sylvania, Inc.  
Relating to Storage and Distribution of Certain Radioactive Materials as of and after  
1 July, 2016  
Articles of Incorporation and Certifications for LEDVANCE LLC  
Transfer of Control Questions  
Copy of the KY LEDVANCE LLC Warehouse License (showing the transfer)

Cc Sue Engelhardt  
Kenneth Gray  
Christopher LoRusso

[Sue@radexperts.com](mailto:Sue@radexperts.com)  
[kgray@PierceAtwood.com](mailto:kgray@PierceAtwood.com)  
[Christopher.LoRusso@sylvania.com](mailto:Christopher.LoRusso@sylvania.com)



## TRANSFER OF CONTROL

TO: THE U.S. NUCLEAR REGULATORY COMMISSION

RE: OSRAM SYLVANIA, INC. E-DISTRIBUTION LICENSE # 20-30024-02E

As required, we are submitting documentation supporting transfer of control from OSRAM Sylvania, Inc., to LEDVANCE LLC. We have been in touch with NRC regarding this transfer and the best path to achieve compliance. The questions you wished us to address are below:

**Question One: The new name of the licensed organization:**

The new name of the organization holding the license, as of July 1, 2016, will be LEDVANCE LLC. OSRAM Sylvania, Inc. and LEDVANCE LLC request that OSRAM Sylvania, Inc. be a party to this license, to allow OSRAM Sylvania, Inc. to store its regulated materials in the LEDVANCE LLC warehouse.

**Question Two: The new licensee contact and telephone numbers to facilitate communication.**

The licensee contact will be Sue Engelhardt, our radiation consultant or any of the named personnel below. The corporate contact for the site will change from Peter van Breda to Jane Running, Vice President of Finance for LEDVANCE LLC. Finally, for specific questions regarding the transfer of control related to radioactive materials, the contacts are Kenneth Gray, Pierce Atwood LLP (legal), Christopher LoRusso, Corporate EHS and Security, and Sue Engelhardt, President and CEO, Engelhardt & Associates, Inc. (radiation consultant).

### PHONE CONTACTS

Jane Running	978-570-3522	For questions regarding transfer of ownership Corporate Contact (signatory)
Kenneth Gray	207-791-1212	For questions regarding transfer of ownership, Legal + license needs
Christopher LoRusso	978-570-3347	For questions regarding the KY license and transfer of ownership; Corporate Advisor (Radiation Safety needs)
Sue Engelhardt	262-227-2341	For questions regarding the license and application for transfer of ownership

OSRAM SYLVANIA  
200 Ballardvale Street  
Wilmington, MA 01887  
☎ (978) 570-3000

[www.sylvania.com](http://www.sylvania.com)

**Question Three: Changes to personnel having control over licensed activities (Corporate Officers)**

The Corporate Officers for the company have changed, but Ms. Jane Running will be the signatory person for LEDVANCE LLC. She is not specifically trained in radiation safety but is well aware of her responsibility in assuring that radiation safety is in compliance with all regulatory statutes and the terms and conditions of the radioactive material license for the site.

The onsite personnel have not changed. The RSO for this license will be Christopher LoRusso at the Corporate level.

Please note that since this license is for distribution of exempt quantities of radioactive materials contained consumer products, incident to distribution, there is very little, if any risk of radiation issues within the facility. Training is commensurate with the radioactive materials contained in the warehouse and the potential risks from these materials. Mr. LoRusso has had a 2-day radiation safety class presented by Engelhardt & Associates, Inc., making him well-qualified to serve as the RSO at the corporate level.

LEDVANCE LLC intends to keep in place all activities and operations related to the license currently held by OSRAM Sylvania, Inc.

**Question Four: Indication of whether the transferor will remain in a non-licensed business without the license.**

OSRAM Sylvania, Inc., in the process of transferring the warehouses and employees and some regulated materials to LEDVANCE LLC. However, OSRAM Sylvania, Inc. plans to also possess and distribute lamps after July 1, 2016, and will use the LEDVANCE LLC warehouses. Therefore, a new license application is being submitted by OSRAM Sylvania, Inc. to the States of KY, CA and PA. These licenses will be supported by the agreement between OSRAM Sylvania, Inc., and LEDVANCE LLC, under which LEDVANCE allows OSRAM to utilize a part of the current warehouses for their possession license and also allows the RSO for LEDVANCE LLC to serve as OSRAM's RSO at the local level.

**Question Five: Description of the Transaction, including any transfer of stocks or assets, mergers, etc., so that legal counsel is able to differentiate between name changes and transferring control.**

As a result of national and international restructuring, certain assets including real property and business operations of OSRAM Sylvania Inc. are being transferred to a new corporate entity LEDVANCE LLC, a wholly-owned subsidiary of OSRAM Sylvania, Inc. We are enclosing, for your files, a copy of the State of Delaware Limited Liability Company Certificate of Formation for LEDVANCE LLC, and a copy of the certification of a true and correct copy of that certificate.

The warehouses and a number of the radioactive materials in the warehouses in the states of KY, PA and CA (including radioactive materials licenses) shall transfer to LEDVANCE LLC as part of this process on 1 July, 2016, (the "Effective Date").

For purposes of this transfer, the contact will be Sue Engelhardt, Radiation Consultant or Kenneth Gray, Legal, Pierce Atwood LLP. The email for these individuals can be found at the end of this letter; telephone numbers are stated above.

**Question Six: Changes in organization, location, facility, equipment, or procedures (i.e., changes in operating or emergency procedures):**

There will be no changes in the aforementioned items. All aspects of the warehouses will continue to operate as before, with no changes in the way business is conducted. However, as noted above, the warehouses will also continue to store the OSRAM radioactive materials that are not being transferred to LEDVANCE LLC. (That activity will be the subject of a new application for a license by OSRAM.)

**Question Seven: Description of any changes in use, possession, location or storage of the licensed materials. Include the most recent (6) month inventory of all sealed sources and devices, and provide proof of disposition in the form of a completed RPS-10.**

The warehouse stores consumer products (lamps/lighting equipment) that contain small quantities (exempt)  $^{85}\text{Kr}$ . When these products come onto the inventory they are so noted; when they leave the inventory, they are being distributed to companies that sell these products as consumer products. Therefore, once the product leaves the warehouse it is no longer a product subject to licensing; the consumer throws the product in the trash when it no longer works. The warehouse inventory keeps track on the product coming in and the product going out; the end user of the product is not known, so a final disposition is not relevant here.

**Question Eight: Changes in organization, location, facilities, equipment, procedures or personnel that would require an amendment even without transferring control:**

There are no changes to any of the above that would necessitate an amendment, even without transferring control.

**Question Nine: An indication of whether all surveillance items and records (calibrations, leak tests, surveys, inventories, and accountability requirements) will be current at the time of the transfer. Please provide a description of the status of the surveillance requirements and records.**

The warehouse operations are a "real time" process; each time an item is moved, it is noted; each time a product is brought into the warehouse it is entered into the inventory system; each time a product leaves the warehouse as a consumer product, that product is removed from the active warehouse inventory. This inventory is always being updated and verified; inventories are done on a monthly basis, for in-house records.

Surveillance consists of the above detailed inventory, plus spot checks of the warehouse to assure that the lamp/lighting equipment are being stored in the indicated location. As indicated above, since the warehouse is a distribution center for lamps/lighting equipment distributed to wholesale customers for resale to the ultimate consumer, the accuracy of the inventory is essential to the proper tracking dissemination of the product.

**Question Ten: Confirmation that all records concerning the safe and effective decommissioning of the facility, decommissioning and financial surety, public dose, and**

**waste disposal to sewers, incineration, spills and on site burials, have been transferred to the new licensee.**

The warehouses contain consumer products that contain exempt quantities of  $^{85}\text{Kr}$  located in lamps or other lighting equipment. Therefore, the following is applicable:

- 1 Contamination: The radioactive material is a gas: Should the "glass tube" containing radioactive gas break, the byproduct material would escape and migrate to the outside of the building.
- 2 Radiation Levels: Surveys of the facility have verified that there is no ambient radiation level above background present. There would not be concern for radiation exposures. A verification survey will be done by the radiation consultant at the time of the annual audit. The meter used will be a Ludlum, Model 26-1 Frisker with both dose and exposure filters available.
- 3 The records are already in the facilities and are current; the only change will be the name of the company listed for the records. The existing records will be transferred to LEDVANCE LLC on the Effective Date.
- 4 Waste Disposal: When the lamps/lighting equipment are moved out of the warehouse, the product is removed from the inventory for the warehouse. As these lamps/lighting equipment are consumer products, the warehouse doesn't take the product back if it is broken while in a customers' possession; the instructions to the customer are to dispose of the glass safely and the lamp is to be disposed of as allowed by law. If lamps/lighting equipment are damaged within the warehouse, the glass is cleaned up in a safe manner and the remains are treated as radioactive and disposed of accordingly. Records of waste disposal are available for regulatory review where applicable. Where applicable these lamps will be disposed of according to what is allowed by state statutes.
- 5 Environment: The licensee does not dispose of sources to the environment intentionally. The inadvertent release of  $^{85}\text{Kr}$  within the warehouse is addressed in paragraph 1, immediately above.

**Question Eleven: Status of the facility, especially the presence or absence of contamination should be documented.**

The warehouses contain consumer products that contain exempt quantities of  $^{85}\text{Kr}$  located in lamps and other lighting equipment. The following is applicable:

1. Contamination: The radioactive material is a gas; should the "glass tube" containing the gas be ruptured, the byproduct material would escape and migrate out of the building
2. As the byproduct material is a noble gas, it will not result in contamination of the warehouse; since noble gases are heavy, the gas would go to the floor and migrate out of the warehouse.

Therefore, there is no need to plan for contamination. The LEDVANCE LLC corporate officer and RSO are aware of the properties of the radioactive gas.

**Question Twelve: Decommissioning plans and financial assurance.**

Based on the discussion in previous questions, there are no financial assurance arrangements made as none are necessary. There are also no plans for decontamination, due to the limited nature of the radioactive material, quantity, and its use in consumer products (exempt quantities).

**Questions 13-15: Confirmation by the transferee regarding commitments and representations; documentation that the licensee and the transferee agree to transferring control of the licensed material and activity and the transferee is made aware of all open inspection items and its responsibility for possible resulting enforcement actions; and commitment by the transferee to abide by all constraints, conditions, requirements, representations, and commitments identified in the existing license.**

As of the Effective Date, LEDVANCE LLC agrees to abide by all constraints, conditions, requirements, representations, and commitments previously made with the NRC/Agreement State by the transferor. This includes, but is not limited to:

1. Information submitted in support of the license amendments (including documents itemized in tie-down conditions of the license).
2. Maintenance of any decommissioning records should this activity be applicable, and,
3. Corrective actions for any open inspection items and enforcement actions as of the Effective Date and, if required, implementation of site decommissioning activities.

LEDVANCE LLC, as the transferee, is knowledgeable of and accepts full responsibility for any open inspection items and/or any resulting enforcement actions as of the Effective Date. This commitment is evidenced by the signatures below.

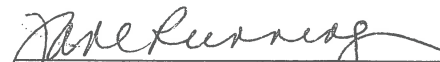
If you have any questions, please do not hesitate to contact Sue Engelhardt, Kenneth Gray; or Ben Byarlay for questions pertaining to the State of Kentucky license issued to the warehouse in Versailles, KY.

The undersigned do hereby declare under penalty of perjury that the foregoing information contained in this letter is true and correct to the best of our knowledge and belief.

Sincerely



Peter van Breda, Vice President of Logistics Americas (VP Logistics AME),  
OSRAM Sylvania, Inc.



Jane Running, Vice President, Finance, For  
OSRAM Sylvania, Inc., and as of the  
Effective Date, Vice President Finance,  
LEDVANCE LLC

Cc: Sue Engelhardt  
Kenneth Gray  
Christopher LoRusso

[sue@radexperts.com](mailto:sue@radexperts.com)  
[kgray@PierceAtwood.com](mailto:kgray@PierceAtwood.com)  
[Christopher.LoRusso@sylvania.com](mailto:Christopher.LoRusso@sylvania.com)





Description of Agreement between LEDVANCE LLC and  
OSRAM Sylvania, Inc. Relating to  
Storage of Certain Radioactive Materials as of and after July 1, 2016

BACKGROUND

OSRAM Sylvania, Inc. (OSRAM) currently imports, stores and distributes certain lamps that contain nuclear "byproduct material" (Exempt Distribution Lamps) regulated by the U.S. Nuclear Regulatory Commission (NRC). These Exempt Distribution Lamps containing Kr 85 and stored in distribution centers (warehouses) where these and many other products are stored before being sold to consumers. Once these Exempt Distribution Lamps leave the distribution centers en route to consumers, the lamps are considered consumer products and are no longer regulated by the NRC.

The current NRC Exempt-Distribution license (E-Distribution License) for the OSRAM distribution centers allows storage of Exempt Distribution Lamps. That E-Distribution license is: U.S. NRC Materials License Number 20-30024-02E dated Dec. 3, 2014, expiration date Sept. 30, 2021. The facilities covered by the license are:

1. 1651 South Archibald Ave., Ontario, California (Western Distribution Center)
2. 1100 Tyrone Pike, Versailles, Kentucky (Midwest Distribution Center)
3. 2460 Brodhead Road, Bethlehem, Pennsylvania (Eastern Distribution Center)

LOCAL ASSET TRANSFER AGREEMENT PROVISIONS

Certain assets of OSRAM (multiple facilities, equipment and personnel) related to specific types of lamps are being transferred to a new corporate entity, LEDVANCE LLC, which is a wholly-owned subsidiary of OSRAM (LEDVANCE). LEDVANCE is a State of Delaware Limited Liability Company, formed Nov. 12, 2015.

To effect the transfer, OSRAM and LEDVANCE are entering into a Local Asset Transfer Agreement (LATA). Under the LATA, among many other assets, OSRAM will transfer the three distribution centers, as well as several types of the Exempt Distribution Lamps, to LEDVANCE effective July 1, 2016 (the "Effective Date").

The Radiation Safety Officers (RSOs) that were employed by OSRAM at the Distribution Centers will become LEDVANCE employees on the Effective Date.



OSRAM is arranging to transfer such licenses as may be transferred, or to obtain new licenses so that, by the Effective Date, both LEDVANCE and OSRAM each will hold an NRC E-Distribution license. OSRAM and LEDVANCE have applied or will be applying to California, Kentucky and Pennsylvania for the required state radiological materials license.

AGREEMENT ON STORAGE OF CERTAIN RADIOACTIVE MATERIALS AND ASSISTANCE IN PROVIDING RSO SERVICES

As of July 1, 2016 and going forward, OSRAM will own and store a number of different types of Exempt Distribution Lamps; LEDVANCE agrees to store OSRAM's Exempt Distribution Lamps in LEDVANCE's Distribution Centers.

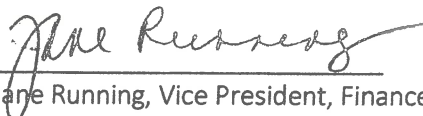
As of July 1, 2016 and going forward, LEDVANCE agrees to assist OSRAM by providing RSO services to OSRAM at LEDVANCE's Distribution Centers as required for the storage and shipment of OSRAM's Exempt Distribution Lamps, and to provide reasonable assistance to OSRAM as needed to satisfy OSRAM's reporting or recordkeeping obligations required by government authorities related to OSRAM's Exempt Distribution Lamps.

OSRAM and LEDVANCE will each have corporate officials responsible for radiological compliance matters for their respective companies.

Dated: May 25, 2016



Peter van Breda, Vice President, Logistics  
For Americas (VP Logistics AME)  
OSRAM Sylvania, Inc.



Jane Running, Vice President, Finance,  
OSRAM Sylvania, Inc., and, as of the  
Effective Date, Vice President Finance,  
**LEDVANCE LLC**

CABINET FOR HEALTH SERVICES  
COMMONWEALTH OF KENTUCKY  
RADIOACTIVE MATERIAL LICENSE

PAGE 1

1. LICENSEE AND 2. ADDRESS

LEDVANCE LLC  
1100 TYRONE PIKE  
VERSAILLES, KY 40383

ATTENTION: BRIAN BYARLAY  
TELEPHONE: 859-256-1079

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PURSUANT TO KRS 211.842 ET SEQ., THE KENTUCKY CABINET FOR HUMAN  
RESOURCES REGULATIONS, 902 KAR 100, AND IN RELIANCE ON STATEMENTS  
AND REPRESENTATIONS HERETOFORE MADE BY THE LICENSEE, A LICENSE IS  
HEREBY ISSUED TO RECEIVE, ACQUIRE, OWN, POSSESS AND TRANSFER  
RADIOACTIVE MATERIAL LISTED BELOW; AND TO USE SUCH RADIOACTIVE  
MATERIAL FOR THE PURPOSE(S) AND AT THE PLACE(S) DESIGNATED BELOW.  
THIS LICENSE IS SUBJECT TO ALL APPLICABLE RULES, REGULATIONS, AND  
ORDERS OF THE CABINET FOR HEALTH SERVICES, NOW OR HEREINAFTER IN  
EFFECT AND TO ANY CONDITIONS SPECIFIED BELOW.  
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3. LICENSE NUMBER: 201-423-91  
AMENDMENT NO. 47  
4. EXPIRATION DATE: MAY 31, 2017  
5. REVIEWER: 47

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6. LICENSED MATERIAL 7. FORM 8. POSSESSION LIMIT  
A. KRYPTON 85 A. GAS A. NOT TO EXCEED 100  
MILLICURIES  
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9. AUTHORIZED USE

A. FOR POSSESSION AND STORAGE ONLY INCIDENTAL TO DISTRIBUTION OF  
EXEMPT PRODUCTS AS LICENSED BY THE U.S. NUCLEAR REGULATORY  
COMMISSION.

CABINET FOR HEALTH SERVICES  
COMMONWEALTH OF KENTUCKY  
RADIOACTIVE MATERIAL LICENSE

LICENSE NUMBER: 201-423-91

AMENDMENT 47

PAGE 2

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CONDITIONS:

10. THE LICENSEE SHALL COMPLY WITH THE PROVISIONS OF THE KENTUCKY CABINET FOR HEALTH SERVICES ADMINISTRATIVE RADIATION REGULATIONS, 902 KAR 100.
11. RADIOACTIVE MATERIAL SHALL BE USED AT:  
  
1100 TYRONE PIKE  
VERSAILLES, KENTUCKY 40383
12. RADIOACTIVE MATERIAL SHALL BE USED BY, OR UNDER THE SUPERVISION OF:  
  
BEN BYARLAY  
  
THE LICENSEE SHALL MAINTAIN RECORDS OF INDIVIDUALS DESIGNATED AS USERS AND THEIR TRAINING FOR THREE (3) YEARS AFTER THE INDIVIDUAL'S LAST USE OF RADIOACTIVE MATERIAL.
13. COPIES OF RECORDS REQUIRED PURSUANT TO 902 KAR 100 OR CONDITIONS OF THE LICENSE SHALL BE MAINTAINED FOR INSPECTION BY THE CABINET AT 1100 TYRONE PIKE, VERSAILLES, KY 40383
14. THE RADIATION SAFETY OFFICER FOR THE ACTIVITIES AUTHORIZED BY THIS LICENSE IS BEN BYARLAY .
15. THIS LICENSEE IS AUTHORIZED TO COLLECT LEAK TEST SAMPLES IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN THE LICENSEE'S APPLICATION DATED NOVEMBER 28, 1995 FOR ANALYSIS BY GUY H. SIMMONS, PH.D.  
ALTERNATIVELY, LEAK TEST SAMPLES MAY BE COLLECTED AND/OR ANALYZED BY OTHER PERSONS SPECIFICALLY AUTHORIZED BY THE CABINET, U.S. NUCLEAR REGULATORY COMMISSION OR AN AGREEMENT STATE.
16. SEALED SOURCES CONTAINING RADIOACTIVE MATERIAL SHALL NOT BE OPENED.
17. THE FOLLOWING SERVICES SHALL NOT BE PERFORMED BY THE LICENSEE: INSTALLATION, INITIAL RADIATION SURVEYS, RELOCATION, REMOVAL FROM SERVICE, DISMANTLING, ALIGNMENT, REPLACEMENT, DISPOSAL OF THE SEALED SOURCES, AND NON-ROUTINE MAINTENANCE OR REPAIR OF COMPONENTS RELATED TO THE RADIOLOGICAL SAFETY OF THE GAUGE (I.E., THE SEALED SOURCE, THE SOURCE HOLDER, SOURCE DRIVE MECHANISM, ON-OFF MECHANISM (SHUTTER), SHUTTER CONTROL, SHIELDING). THESE SERVICES SHALL BE PERFORMED ONLY BY PERSONS SPECIFICALLY LICENSED BY THE CABINET, U.S. NUCLEAR REGULATORY COMMISSION OR AN AGREEMENT STATE TO PERFORM SUCH SERVICES.

CABINET FOR HEALTH SERVICES  
COMMONWEALTH OF KENTUCKY  
RADIOACTIVE MATERIAL LICENSE

LICENSE NUMBER: 201-423-91

AMENDMENT 47

PAGE 3

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18. THE LICENSEE SHALL CONDUCT A PHYSICAL INVENTORY EVERY SIX (6) MONTHS TO ACCOUNT FOR ALL SEALED SOURCES RECEIVED AND POSSESSED UNDER THE LICENSE. THE RECORDS OF THE INVENTORIES SHALL BE MAINTAINED FOR THREE (3) YEARS FROM THE DATE OF THE INVENTORY FOR INSPECTION BY THE CABINET, AND SHALL INCLUDE THE RADIONUCLIDES, QUANTITIES, MANUFACTURER'S NAME AND MODEL NUMBERS, LOCATION OF SEALED SOURCES, THE DATES OF THE INVENTORY, AND THE NAME OF THE INDIVIDUAL CONDUCTING THE INVENTORY.
19. IN ADDITION TO THE POSSESSION LIMITS IN ITEM 8, THE LICENSEE SHALL FURTHER RESTRICT THE POSSESSION OF RADIOACTIVE MATERIAL TO QUANTITIES BELOW THE MINIMUM LIMIT SPECIFIED IN 902 KAR 100:042, SECTION 11, FOR ESTABLISHING DECOMMISSIONING FINANCIAL ASSURANCE.
20. THIS LICENSE AND THE RIGHT TO POSSESS OR UTILIZE RADIOACTIVE MATERIAL GRANTED BY THIS 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 IN ACCORDANCE WITH 902 KAR 100:040, SECTION 11.
21. EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE IN THIS LICENSE, THE LICENSEE SHALL CONDUCT ITS PROGRAM IN ACCORDANCE WITH THE STATEMENTS, REPRESENTATIONS, AND PROCEDURES CONTAINED IN THE DOCUMENTS, INCLUDING ANY ENCLOSURES, LISTED BELOW. THE CABINET FOR HEALTH SERVICES REGULATIONS, 902 KAR 100, SHALL GOVERN UNLESS STATEMENTS, REPRESENTATIONS, AND PROCEDURES IN THE LICENSEE'S APPLICATION AND CORRESPONDENCE ARE MORE RESTRICTIVE THAN THE REGULATION.
  - A. APPLICATION DATED NOVEMBER 28, 1995, SIGNED BY JOEL BEYERLE, PLANT MANAGER.
  - B. LETTERS DATED:
    1. MARCH 13, 1996, SIGNED BY H. DAVID THOMAS, SR. ENVIRONMENTAL ENGINEER.
    2. NOVEMBER 26, 1996, SIGNED BY EDDIE SALONE, ENVIRONMENTAL MANAGER.
    3. MARCH 26, 1997, SIGNED BY ALAN H. JONES, CORPORATE RADIATION SAFETY OFFICER.
    4. FEBRUARY 11, 1997, SIGNED BY EDDIE L. SALONE.
    5. MARCH 2, 1998, SIGNED BY ALAN H. JONES, CORPORATE RADIATION SAFETY OFFICER.

CABINET FOR HEALTH SERVICES  
COMMONWEALTH OF KENTUCKY  
RADIOACTIVE MATERIAL LICENSE

LICENSE NUMBER: 201-423-91

AMENDMENT 47

PAGE

4

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6. JUNE 11, 1998, SIGNED BY ALAN H. JONES, CORPORATE RADIATION SAFETY OFFICER.
  7. JULY 2, 1998, SIGNED BY ALAN H. JONES, CORPORATE RSO.
  8. NOVEMBER 10, 2003, SIGNED BY ALAN H. JONES, CORPORATE RSO.
  9. DECEMBER 10, 2003, SIGNED BY LINDA S. DAY, ASSISTANT SECRETARY.
  10. DECEMBER 15, 2003, SIGNED BY ALAN H. JONES, CORPORATE RSO.
  11. APRIL 26, 2004, SIGNED BY ALAN H. JONES, CORPORATE RSO.
  12. MAY 5, 2004, SIGNED BY ALAN H. JONES, CORPORATE RSO.
  13. OCTOBER 31, 2006, SIGNED BY ALAN H. JONES, CORPORATE RADIATION SAFETY OFFICER.
  14. MAY 30, 2007, SIGNED BY KATHLEEN ROY, RSO AND PETER VAN BREDa, DIRECTOR OF WAREHOUSING AND DISTRIBUTION.
  15. JUNE 5, 2007, SIGNED BY ALAN H. JONES, CORPORATE RADIATION SAFETY OFFICER.
  16. JANUARY 4, 2008, SIGNED BY KATHLEEN ROY, RSO.
  17. JANUARY 11, 2011, SIGNED BY KATHLEEN ROY, MANAGER MDC.
  18. FEBRUARY 28, 2013, SIGNED BY ALAN H. JONES, CRSO (CHANGE OF RSO AND AUTHORIZED USERS).
  19. AUGUST 28, 2013, SIGNED BY JANE RUNNING, VICE PRESIDENT (NOTIFICATION OF CORPORATE RESTRUCTURING).
  20. FEBRUARY 19, 2015, SIGNED BY PETER VAN BREDa, VP (LETTER TO USNRC).
  21. MAY 7, 2015, SIGNED BY BENNETT BYARLAY, RSO (DELETE PROMETHIUM 147).
  22. APRIL 5, 2016, RPS-12 SIGNED BY PETER VAN BREDa, VP & JANE RUNNING (TRANSFER OF CONTROL, EQUITY PURCHASE AGREEMENT).
  23. MAY 10, 2016, SIGNED BY MICHAEL P. MCNULTY, PLANT MANAGER AND JANE RUNNING, VP (TRANSFER OF CONTROL).

  
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MANAGER  
RADIATION HEALTH BRANCH

VICKIE YATES BROWN GLISSON  
-----  
SECRETARY  
CABINET FOR HEALTH AND FAMILY  
SERVICES

DATE ISSUED MAY 19, 2016

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF FORMATION OF "LEDVANCE LLC", FILED  
IN THIS OFFICE ON THE TWELFTH DAY OF NOVEMBER, A.D. 2015, AT  
12:24 O'CLOCK P.M.



5850230 8100  
SR# 20150887261

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 10418354  
Date: 11-13-15



**STATE *of* DELAWARE**  
**LIMITED LIABILITY COMPANY**  
**CERTIFICATE *of* FORMATION**

**First:** The name of the limited liability company is **LEDVANCE LLC**.

**Second:** The address of the registered office of the limited liability company in the State of Delaware is Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801. The name of its registered agent at such address is The Corporation Trust Company.

**Third:** This Certificate of Formation will be effective upon filing with the Secretary of State.

**In Witness Whereof,** the undersigned has executed this Certificate of Formation of LEDVANCE LLC this 12<sup>th</sup> day of November, 2015.

/s/ Elizabeth A. Chapman

Elizabeth A. Chapman, Organizer