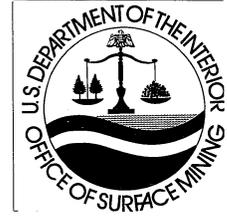


Applicant/Violator System Office System Advisory Memorandum



SAM # 4 DATE: January 28, 2013

Subject: TRANSFER, ASSIGNMENT, or SALE of PERMIT RIGHTS

This System Advisory Memorandum provides guidance regarding the Federal regulations pertaining to transfer, assignment, or sale of permit rights and the treatment of this information in the Applicant/Violator System (AVS). This SAM supersedes previous SAM # 4, "Transfer, Assignment, or Sale of Permit Rights," dated November 4, 2008.

Under federal regulation 30 CFR 701.5 the definition of *transfer, assignment, or sale of permit rights* is "a change of a permittee."

However, a State's interpretation as to when an application or under what circumstances an application for a transfer, assignment, or sale of permit may be required is ultimately determined by the permitting State's own regulations.

Further regulatory provisions including permit eligibility concerning transfer, assignment, or sale of permit rights, can be found at 30 CFR 774.17. This regulation includes the requirement that the entity desiring to be the new permittee is only a "prospective" successor in interest and not an actual successor in interest until approved by the regulatory authority. A regulatory authority may approve a transfer, assignment, or sale of permit rights but before any approval is granted, a prospective successor in interest must be permit eligible under 30 CFR 773.12 or 30 CFR 773.14.

If you have questions regarding the policies and procedures for AVS operation to process applications for transfer, assignment, or sale of permit rights and maintain all related information, please contact your User Assistance Liaison at 1.800.643.9748 or view the AVS Users Guide at <http://www.arcc.osmre.gov/Divisions/AVSO/DocumentIndex.shtm>.

Signed: Debra J. Feheley

**Debra J. Feheley, Chief,
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