

**SAFETY EVALUATION REPORT  
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE  
NUMBER 21-32378-01, ARMC MEDICAL GROUP CARDIOLOGY ASSOCIATES**

**DATE:** 06/07/2016  
**DOCKET NO.:** 030-35958  
**LICENSE NO.:** 21-23278-01  
**LICENSEE:** ARMC Medical Group Cardiology Associates  
**TECHNICAL REVIEWER:** Toye L. Simmons

**SUMMARY AND CONCLUSIONS**

ARMC Medical Group Cardiology Associates is authorized by NRC License 21-32378-01 for the possession and use of byproduct material for the purposes of human diagnostic studies as permitted by 10 CFR 35.200. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to an indirect license transfer submitted by the licensee. Alpena Regional Medical Center (ARMC) a hospital in Alpena, Michigan, is the holder of the materials license for ARMC Medical Group Cardiology Associates. MidMichigan Health will become the sole member of ARMC. As a result of this transfer the subject licensee's name will change to MidMichigan Medical Center – Alpena. The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML16097A275.

The request for consent was reviewed by NRC staff for an indirect change in control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated November 2000. The NRC staff finds that the information submitted by ARMC Medical Group Cardiology Associates sufficiently describes and documents the transaction and commitments made by MidMichigan Health, Alpena Regional Medical Center and ARMC Medical Group Cardiology Associates.

As required by 10 CFR 30.34 and section 184 of the Atomic Energy Act of 1954, as amended (the Act), NRC staff has reviewed the application and finds that the proposed change in control is in accordance with the Act. The staff finds that, after the change of control, ARMC Medical Group Cardiology Associates under its new name will remain qualified to use byproduct material for the purpose requested, and will continue to have the equipment, facilities, and procedures needed to protect public health and safety, and promotes the security of licensed material.

**SAFETY AND SECURITY REVIEW**

According to data obtained from ADAMS, ARMC Medical Group Cardiology Associates has been an NRC licensee since April 16, 2002. The NRC conducted a main office inspection on July 9, 2012, and no violations were identified during this inspection. The commitments made by MidMichigan Health and ARMC Medical Group Cardiology Associates state that ARMC Medical Group Cardiology Associates (License No. 21-32378-01):

- A. will not change the radiation safety officer listed in the NRC license;

- B. will not change the personnel involved in licensed activities;
- C. will not change the locations, facilities, and equipment authorized in the NRC license;
- D. will not change the radiation safety program authorized in the NRC license; and
- E. will keep regulatory required surveillance records and decommissioning records.

MidMichigan Health is a non-profit health system, headquartered in Midland, Michigan and affiliated with the University of Michigan Health System. In addition, MidMichigan Health has held NRC License No. 21-01549-02 since February 16, 1959 and has been inspected numerous times. Therefore, for security purposes, MidMichigan Health is considered a known entity in accordance the guidance provided by the NRC's Office of Nuclear Materials Safety and Safeguards Programs (NMSS) "Checklist to provide a basis for confidence that radioactive materials will be used as specified on the license", September 3, 2008 revision. The purpose of this checklist is for the NRC to obtain reasonable assurance from new license applicants or NRC licensees transferring control of licensed activities that the licensed material will be used for its intended purpose and not for malevolent use.

ARMC Medical Group Cardiology Associates is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 21-32378-01.

## **REGULATORY FRAMEWORK**

ARMC Medical Group Cardiology Associates' License No. 21-32378-01, was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The Commission is required by 10 CFR 30.34 to determine if the change of control is in accordance with the provisions of the Act and give its consent in writing.

10 CFR 30.34(b) states: "No license issued or granted pursuant to the regulations in this part and parts 31 through 36, and 39 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, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing."

As previously indicated, the staff evaluation is based on guidance in NUREG-1556, Volume 15. As discussed in NUREG-1556, Volume 15, NRC is generally using the term "change of control" rather than the statutory term "transfer" to describe the variety of events that could require prior notification and written consent of the NRC. The central issue is whether the authority over the license has changed. ARMC Medical Group Cardiology Associates' request for consent describes an indirect change of control resulting from a planned transfer between MidMichigan Health and Alpena Regional Medical Center who is the parent of ARMC Medical Group Cardiology Associates and, as such, the transfer requires NRC consent.

## **DESCRIPTION OF TRANSACTION**

The transaction is described in ADAMS accession number ML16097A275. After completion of the transfer, ARMC Medical Group Cardiology Associates, under a new name, will continue as the licensee and remain in control of all licensed activities under Materials License No. 21-

32378-01. The NRC staff finds that the request for consent adequately provides a complete and clear description of the transaction, and is consistent with the guidance provided in Appendix F of NUREG-1556, Volume 15.

#### **TRANSFeree'S COMMITMENT TO ABIDE BY THE TRANSFEROR'S COMMITMENTS**

The NRC staff finds that the information submitted by ARMC Medical Group Cardiology Associates sufficiently describes and documents the commitments made by MidMichigan Health and ARMC Medical Group Cardiology Associates, and is consistent with the guidance in NUREG-1556, Volume 15.

#### **ENVIRONMENTAL REVIEW**

An environmental assessment for this action is not required since this action is categorically excluded under 10 CFR 51.22(c)(14)(xi).

#### **CONCLUSION**

The staff has reviewed the request for consent submitted by both parties with regard to an indirect change of control of byproduct materials license No. 21-32378-01 and approves the application pursuant to 10 CFR 30.34(b).

The submitted information sufficiently describes the transaction; documents the understanding of the license and commitments; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; And, in the future, will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the staff concludes that the proposed change in control would not alter the previous findings, made under 10 CFR Part 30, that licensed operations will not be inimical to the common defense and security, or to the health and safety of the public.