



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

SEP 09 2019

Larry Kestin, M.D.
Radiation Safety Officer
American Oncologic Associates of Michigan, P.C.
d/b/a MHP Radiation Oncology Institute
70 Fulton Street
Pontiac, MI 48341

Dear Dr. Kestin:

Enclosed is Amendment No. 34 to your NRC Material License No. 21-26488-01 in accordance with your request.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

This amendment also incorporates the change in your assumed business name and the addition of Yunsil Ho, Ph.D. as an authorized medical physicist, as detailed in the letter dated September 4, 2019, signed by Leandro J. Barreca, MSEM.

This letter included updated contact information for this license and an updated delegation of signature authority letter, mistakenly identified as a "delegation of authority" letter in the September 4, 2019, document. Please note that a "delegation of authority" letter is very different from the signature authority delegation letter that you provided.

Please see NUREG 1556, Vol. 9, Revision 2, Appendix I, the last page, for a sample "Delegation of Authority" letter for a Radiation Safety Officer.

Since your management has chosen to designate any of three persons as signatories for future licensing and inspection correspondence and since it is currently not possible for subsequent licensing reviewers or inspectors to be aware of the existence of this letter unless you tell them, you are strongly encourage to include this information in all of your licensing and inspection correspondence going forward.

For each document, refer to your letter dated September 4, 2019 and its attachments, under ADAMS accession number ML19248C702, if one of the three named persons signs it instead of a senior management representative.

The enclosed document contains sensitive security-related information.
When separated from this cover letter this letter is uncontrolled.

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We updated your assumed business name. Please be reminded that, if this change in your assumed business name is the result of, or is related to, any kind of change in ownership or control of this license, you need to obtain NRC's consent in writing first.

Just our changing your assumed business name does not constitute written consent to a change in ownership or control of this license.

NRC has been requiring prior written consent for changes of ownership and control since at least 1989, as you will see from the Information Notice below.

Here is some additional information to help facilitate your understanding:

Please refer to NUREG 1556 Vol. 15, Rev. 1, "Consolidated Guidance About Materials Licenses: Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses, Final Report (NUREG-1556, Volume 15, Revision 1), published June 2016, including, but not necessarily limited to, section 5 in the front of the book; Appendix C, which describes direct and indirect transfers and sample transactions; and Appendices D and E.

There is also NUREG 1556 Vol. 9, Rev. 2, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Use Licenses (NUREG-1556, Volume 9, Revision 2)," that was published in January 2008.

Here are links to both of these volumes:

<https://www.nrc.gov/docs/ML1618/ML16181A003.pdf>

<https://www.nrc.gov/docs/ML0734/ML073400289.pdf>

For further information, see Regulatory Issue Summary (RIS) 2014-08, Rev. 1, "Regulatory Requirements for Transfer of Control (Change of Ownership) of Specific Materials Licensees," dated May 5, 2016.

This RIS can also be found on the NRC's Generic Communications Web page under "Regulatory Issue Summaries": <http://www.nrc.gov/readingrm/doc-collections/gen-comm/>.

The following is a Regulatory Issue Summary (RIS) from 2014 and 2016 on this subject:

<https://www.nrc.gov/docs/ML1518/ML15181A223.pdf>

This is a link to Information Notice (IN) 89-25, originally sent to all NRC licensees in 1989 and again in 1994:

<https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1989/in89025r1.html>

This is a link to our public website where changes of ownership and control are posted for public comment and transparency:

<https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing-license-applications.html#top>

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If you have had a change in ownership or control, you will need to submit a written request for NRC to consent to the transaction.

Please arrange a telephone call with me to discuss this first. It is usually quickest to schedule a phone call with me by emailing me your available dates and times. My email address is colleen.casey@nrc.gov.

The response must contain only publicly releasable information as we will have to post your response for comment on our public website for 30 days.

In preparing your response, please also be reminded of the provisions in 10 CFR 30.9(a), "Completeness and accuracy of information,"... (a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects."

NRC's Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the NRC's electronic document system.

Pursuant to NRC's RIS 2005-31 and in accordance with 10 CFR 2.390, the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability.

The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

A copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions.

Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

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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.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Carol Casey".

Colleen Carol Casey
Materials Licensing Branch

License No. 21-26488-01
Docket No. 030-33134

Enclosure:
Amendment No. 34