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April 15, 2010

**FAX: (630) 515-1078**

Bill Reichhold  
License Reviewer, Materials Branch  
United States Nuclear Regulatory Commission  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532

**Re: Materials License No. 21-32068-01**

Dear Mr. Reichhold:

As you know, Gerber Memorial Health Services ("GMHS") is set to enter into a transaction with Spectrum Health System ("Spectrum") in which Spectrum will become the sole corporate member of GMHS. As the sole corporate member, Spectrum will have authority over the future direction of GMHS. Top tier management will not change as a result of the transaction, although the Chief Executive Officer and Chief Financial Officer will report to Spectrum after the transaction. The transaction will not result in a change of location, tax identification number or corporate identification number of GMHS, and a pursuant to the Michigan Department of Community Health, the transaction is not a change of ownership and a certificate of need is not required.

In reviewing NUREG 1556, Volume 15, Appendix D, it does not seem that the transaction constitutes a change of control for the following reasons:

- The personnel having control over the licensed activities (including the Radiation Safety Officer) will not change;
- The use, possession, location or storage of licensed materials will not change;
- GMHS' corporate member will change, but the facility will still operate under GMHS management as it has in the past;
- GMHS' facility will remain the same;
- GMHS' equipment will be under the control of GMHS personnel; and

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- All of GMHS' procedures will remain the same.

After speaking with both GMHS and Spectrum, GMHS will maintain control and management over the licensed activities including the Radiation Safety Officer and equipment. Spectrum will respect the decisions of GMHS related to licensed activities.

Please note that Newaygo County General Hospital Association d/b/a Gerber Memorial Health Services will be Newaygo County General Hospital Association d/b/a Spectrum Health Gerber Memorial after the closing of the transaction.

I realize that the determination of whether change in control has occurred is up to the Nuclear Regulatory Commission. Please let me know if I can provide any additional information to assist you in your decision.

Sincerely,

Valerie S. Reich

# Polsinelli Shughart<sub>PC</sub>

## Fax Information Sheet

DATE: 4-15-10

TO:	FAX NO.:
Bill Reichhold	
US NRC	(630) 515-1078

FROM: Valerie Reich

RE: Gerber Memorial Health Services

CLIENT MATTER NO.:

Personal ID No.:

Number of pages including cover sheet:

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Message

ATTN: Bill Reichhold

Bill Reichhold

Please see enclosed letter.