

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

APR 30 2012



Liang (Larry) Q. Wang, M.S.
Radiation Safety Officer
Elkhart General Hospital
P.O. Box 1329
Elkhart, IN 46515-1111

Dear Mr. Wang:

Enclosed is Amendment No. 49 to your NRC Material License No. 13-18879-01 in accordance with your request. Please note that the major changes made to your license are printed in **bold font**.

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 also refers to the change of ownership transaction which occurred on November 22, 2011, between Elkhart General Hospital (EGH) and Memorial Hospital (MH) of South Bend. However, it is unclear from your letter dated February 28, 2012, whether an amendment to the Elkhart General license for a change in the licensed name is required. Please follow the instructions below and clarify this matter within 30 days of the date of this letter.

In addition, NRC hereby consents to the transaction between EGH and MH as described in your letter dated February 28, 2012.

However, NRC cannot currently consent to the change of ownership for Elkhart Clinic (EC), as described in your letter dated February 28, 2012.

When originally submitted, you requested the merger of the EC license into the EGH license concurrent with the termination of the EC's NRC license.

We have been advised that EC no longer wishes to terminate its NRC license. Therefore we cannot merge it into your license.

In addition, some of the information we requested regarding changes in ownership and control was not clearly provided in the letter dated February 28, 2012.

Please provide the information requested below in accordance with the instructions

~~Official Use Only - Security-Related Information~~

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

L. Wang

described to clarify this matter within 30 days of the date of this letter.

Please refer to the Information Notice, IN 89-25, Rev. 1 and 10 CFR Part 30 for guidance concerning future changes of ownership and/or control of licensed activities. The IN can be found on our website at:

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

and 10 CFR 30 can be found at:

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part030/>

In addition to the above, we noted that Dr. Michael Brendle and Dr. Alan Engel had authorization for materials in 10 CFR 31.11 on Corrected Copy of Amendment No. 48. However, this license does not currently authorize materials in 10 CFR 31.11. Therefore, we deleted this authorization for Drs. Brendle and Engel at this time as the errors appear to be an oversight from a previous amendment.

In order to resolve the following issues, please prepare a written response addressed to my attention as "additional information to control number 576883" to facilitate proper handling in our offices. We will then continue our review.

With respect to the new affiliation between EGH and MH, the name of the new parent corporation is given in your letter dated February 28, 2012. But you did not indicate whether the name on this license changes as a result of the parent corporation name change. Please advise us whether the name on this license changes as a result of the parent corporation name change and please be specific.

With respect to the change of ownership between EGH and EC, the date of the transaction and a description of the transaction that resulted in the change of ownership were not described or provided. Please provide this information, briefly and concisely, so we can understand what happened and when it occurred.

In addition, in Item 2, mention is made of "Phil Hickman" being added to the Radiation Safety Committee (RSC) for EGH. We do not know who Phil Hickman is. Please explain the inclusion of this individual on your RSC.

In Item 3, mention is made of "EGH's ICANL license and EGH protocols." We do not know what these terms refer to. Please explain and describe these terms and their inclusion in your responses.

Your letter indicates a name change to the EC license's practice. However, since the EC license is not terminating after all, it is not clear if the name change should still be made. We have requested that EC provide us with current information concerning the change of ownership and control that took place, in light of its decision to remain a separately licensed party.

L. Wang

We strongly suggest that both EGH and EC review the information we requested for changes of ownership and control and prepare a current response to each item for each institution as it applies to each licensed party. Please clearly describe all changes that have been made or need to be made, especially regarding each license. Also, please be sure to "answer all the questions" in the change of ownership and control request guidance documents.

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."

If you have any questions concerning this amendment please contact me at either (630) 829-9841 or (800) 522-3025, ext. 9841. My fax number is 630-515-1078.

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.

L. Wang

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.

Sincerely,



Colleen Carol Casey
Materials Licensing Branch

License No. 13-18879-01
Docket No. 030-17305

Enclosure:

Amendment No. 49