

**SAFETY EVALUATION REPORT  
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE  
NUMBER 21-15638-01, ST. JOSEPH MERCY PORT HURON**

**DATE:** August 25, 2015

**DOCKET NO.:** 030-09491

**LICENSE NO.:** 21-15638-01

**LICENSEE:** St. Joseph Mercy Port Huron  
2601 Electric Avenue  
Port Huron, Michigan 48060

**TECHNICAL REVIEWER:** Bryan A. Parker, Health Physicist 

**SUMMARY AND CONCLUSIONS**

St. Joseph Mercy Port Huron is authorized by NRC License 21-15638-01 for the possession and use of byproduct material for medical use. The U. S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to an indirect license transfer submitted by Prime Healthcare Services – Port Huron, LLC (Prime) that will result in St. Joseph Mercy Port Huron (a part of Trinity Health-Michigan (Trinity)) being purchased and owned by Prime. When the transaction is completed on September 1, 2015, St. Joseph Mercy Port Huron will become a subsidiary of Prime. The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML15180A341.

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 Prime sufficiently describes and documents the transaction and commitments made by Prime and Trinity.

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 change in control is in accordance with the Act. The staff finds that, with the change of control, St. Joseph Mercy Port Huron remains 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 the NRC's Web-Based Licensing system (WBL), St. Joseph Mercy Port Huron has been an NRC licensee since June 7, 1973. The NRC conducted a main office inspection of St. Joseph Mercy Port Huron on September 11, 2012, and identified no violations. The commitments made by Prime and Trinity state that St. Joseph Mercy Port Huron (License No. 21-15638-01):

- 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;
- E. will not change the organization's name listed in the NRC license; and
- F. will keep regulatory required surveillance records and decommissioning records.

Prime is a known entity with one or more current NRC and Agreement State licenses under their auspices. Therefore, for security purposes, Prime is considered a known entity following the guidance provided by the NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) '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.

St. Joseph Mercy Port Huron is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 21-15638-01.

#### **REGULATORY FRAMEWORK**

St. Joseph Mercy Port Huron's License No. 21-15638-01, 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. Prime's request for consent describes an indirect change of control resulting from a purchase agreement between Prime and Trinity and, as such, the transfer requires NRC consent.

#### **DESCRIPTION OF TRANSACTION**

The transaction is described in ADAMS accession number ML15180A341. When the transaction is completed on September 1, 2015, St. Joseph Mercy Port Huron will continue as

the licensee and remains in control of all licensed activities under Materials License No. 21-15638-01. 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 Prime sufficiently describes and documents the commitments made by Prime and Trinity 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)(21).

#### **CONCLUSION**

The staff has reviewed the request for consent submitted with regard to an indirect change of control of Byproduct Materials License No. 21-15638-01 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 change in control does 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.