

SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL OF BYPRODUCT MATERIALS LICENSE
NUMBER 21-11315-02, MPI RESEARCH, INC.

DATE: May 25, 2018

DOCKET NO.: 030-08546

LICENSE NO.: 21-11315-02

LICENSEE: MPI Research, Inc.
54943 North Main St.
Mattawan, Michigan 49071

TECHNICAL REVIEWER: Bryan A. Parker, Senior Health Physicist, Region III

SUMMARY AND CONCLUSIONS

MPI Research, Inc. is authorized by NRC License 21-11315-02 for the possession and use of byproduct material for the purposes of research and development as defined in 10 CFR 30.4. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request dated March 12, 2018, for consent to an indirect license transfer submitted by MPI Research, Inc., a wholly-owned subsidiary of ACP Mountain Holdings, Inc. The initial request was revised with letter dated March 29, 2018. The indirect transfer occurred on April 3, 2018, and resulted from a merger between ACP Mountain Holdings, Inc. and Charles River Laboratories International, Inc. (Charles River Labs). As a result, MPI Research, Inc. became an indirect wholly-owned subsidiary of Charles River Labs when the transaction was completed on April 3, 2018. The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML18092B265. Followup documents are also in ADAMS: letter dated April 3, 2018 (ML18094A812) and letter dated April 4, 2018 (ML18096A822).

The licensee's request for consent to an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2 and following the guidance provided in the NRC's Regulatory Issue Summary 2014-08. No comments were received from members of the public and was removed from posting on April 23, 2018.

The request for consent was reviewed by NRC staff for an indirect transfer of control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, Rev. 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated June 2016. The NRC staff finds that the information submitted by MPI Research, Inc. and Charles River Labs sufficiently describes and documents the transaction and commitments made by the both parties.

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 transfer of control is in accordance with the Act. The staff finds that, after the transfer of control, MPI Research, Inc. 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 promote the common defense and security.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Web Based Licensing system, MPI Research, Inc. has been an NRC licensee since April 10, 1972. The NRC conducted an inspection at the licensee's location on September 15, 2016, and no violations were identified. The commitments made by MPI Research, Inc. and Charles River Labs state that there will be:

- A. no change to the radiation safety officer listed on the NRC licenses;
- B. no change in personnel involved in licensed activities;
- C. no change in the locations, facilities, and equipment authorized in the NRC license;
- D. no change in the radiation safety program authorized in the NRC license; and
- E. no change in the organization's name listed in the NRC license.

Further, the licensee will maintain required surveillance records and decommissioning records as required by NRC regulations.

Charles River Labs holds byproduct materials licenses for similar purposes (i.e., research and development) in three different Agreement States: Nevada (Lic. No. 16-11-368-01), Ohio (Lic. No. 036200300003), and Pennsylvania (Lic. No. PA-1261). Therefore, for security purposes, Charles River Labs, the ultimate parent post-closing, is considered to be a known entity following the guidance provided by the NRC's Office of Nuclear Material Safety and Safeguards (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.

MPI Research, Inc. is required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 21-11315-02. The licensee did not indicate that the transfer would have any effect on decommissioning financial assurance and stated that after the transfer, it would continue to accept full responsibility for decommissioning.

REGULATORY FRAMEWORK

MPI Research, Inc.'s License No. 21-11315-02 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 transfer 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, Rev. 1. MPI Research, Inc.'s request for consent describes an indirect transfer of control and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML18092B265. Followup documents are also in ADAMS: letter dated April 3, 2018 (ML18094A812) and letter dated April 4, 2018 (ML18096A822). After completion of the merger, MPI Research, Inc. will continue as the licensee and remain in control of all licensed activities under Materials License No. 21-11315-02. 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 E of NUREG-1556, Volume 15, Rev. 1.

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

The NRC staff finds that the information submitted by MPI Research, Inc. and Charles River Labs sufficiently describes and documents the commitments made by both parties and is consistent with the guidance in NUREG-1556, Volume 15, Rev. 1.

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 by the licensee with regard to an indirect transfer of control of byproduct materials license No. 21-11315-02 and consents to the transfer pursuant to 10 CFR 30.34(b).

Consistent with the guidance in NUREG-1556, Volume 15, Rev. 1, the submitted information sufficiently describes the transaction; documents the understanding of the license and commitments of the transferee; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; and provides that, in the future, the transferee will abide by all existing commitments on the license.

Therefore, the staff concludes that the proposed transfer of 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.