

**SAFETY EVALUATION REPORT  
PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE  
NUMBER 06-05686-02, MIDSTATE MEDICAL CENTER**

**DATE:** July 15, 2019

**DOCKET NO.:** 030-01257

**LICENSE NO.:** 06-05686-02

**LICENSEE:** MidState Medical Center  
435 Lewis Avenue  
Meriden, CT 06451

**TECHNICAL REVIEWER:** Janice Nguyen, Senior Health Physicist, Region I

**SUMMARY AND CONCLUSIONS**

MidState Medical Center (MMC) is authorized by U.S. Nuclear Regulatory Commission (NRC) License 06-05686-02 for the possession and use of byproduct material for diagnostic and therapeutic procedures at 435 Lewis Avenue in Meriden, Connecticut and its satellite facility in Wallingford, Connecticut. The NRC staff reviewed a post-hoc request for written consent to a previously completed indirect transfer submitted by MMC (Agency Documents Access and Management System (ADAMS) accession number ML19023A367). This indirect transfer was completed in 1998 from a transaction between Hartford Healthcare Corporation (HHC) and MMC. HHC became the corporate parent of MMC. The request for consent to the indirect transfer of control, request for additional information, and responses are available in ADAMS package accession number ML19023A369.

This request was for a post-hoc approval of an indirect license transfer that occurred in 1998 without receiving prior written consent from the Commission. The NRC conducted an on-site inspection of MMC's main office on April 10-11, 2019, and no violations were identified.

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.

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 - 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 MMC and HHC sufficiently describes and documents the transaction and commitments made by 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, MMC remains qualified to use byproduct material for the purpose requested, and continues to have the equipment, facilities, and procedures needed to protect public health and safety, and to promote the common defense and security.

## **SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Web Based Licensing (WBL) system, MidState Medical Center (MMC) has been a licensee of the NRC and its predecessor agency, the Atomic Energy Commission, since March 14, 1967. The NRC conducted a main office inspection of MMC on April 10-11, 2019, and no violations were identified. The commitments made by MMC and HHC state that there will be:

- A. no change to the radiation safety officer listed in the NRC license;
- 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.

Hartford Healthcare Corporation (HHC), the ultimate parent company for MidState Medical Center, has subsidiaries that possess NRC material licenses. The subsidiaries include Hartford Hospital (NRC License No. 06-00253-04), the Hospital of Central Connecticut (NRC License No. 06-02388-01), William W. Backus Hospital (NRC License No. 06-11734-02), Windham Community Memorial Hospital, Inc. (NRC License No. 06-15203-01), and Charlotte Hungerford Hospital (NRC License No. 06-08349-04). Therefore, for security purposes, HHC 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.

MMC is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 06-05686-02, as outlined by 10 CFR 30.35.

## **REGULATORY FRAMEWORK**

MidState Medical Center's License No. 06-05686-02 was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material." The NRC is required by 10 CFR 30.34(b) to determine if the change of control is in accordance with the provisions of the Act and, if so, 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, Revision 1. MidState Medical Center'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 ADAMS package accession number ML19023A369, which includes the following agency documents: letter dated December 6, 2018 (ML19023A367), email dated March 11, 2019 requesting additional information (ML19080A170), letter dated June 5, 2019 (ML19170A142), and letter dated June 25, 2019 (ML19178A290). After completion of the transaction in 1998, MidState Medical Center continued as the licensee and remained in control of all licensed activities under Materials License No. 06-05686-02. 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, Revision 1.

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

The NRC staff finds that the information submitted by MMC and HHC sufficiently describes and documents the commitments made by both parties and is consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

## **ENVIRONMENTAL REVIEW**

An environmental assessment for this action is not required because 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 change of control of byproduct materials license No. 06-05686-02 and consents to the transfer pursuant to 10 CFR 30.34(b).

Consistent with the guidance in NUREG-1556, Volume 15, Revision 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 change in 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.