

**CHANGE OF CONTROL CONSENT EVALUATION REPORT  
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE  
NUMBER 13-09274-03, MEMORIAL HOSPITAL AND HEALTH CARE CENTER**

**DATE:** December 27, 2023

**DOCKET NO.:** 030-12106

**LICENSE NO.:** 13-09274-03

**LICENSEE:** Memorial Hospital and Health Care Center  
800 W 9<sup>th</sup> St.  
Jasper, IN 47546

**TECHNICAL REVIEWER:** Laura B. Cender

**SUMMARY AND CONCLUSIONS**

Memorial Hospital and Health Care Center is authorized by NRC License 13-09274-03 for the possession and use of byproduct material for medical uses as described in 10 CFR Part 35. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to an indirect license transfer submitted by Memorial Hospital and Health Care Center. The licensee is currently held as a religious non-profit corporation with the Regional Leader and Regional Council as corporate members. Following the transaction, Deaconess Health System will become the sole corporate member of Memorial Hospital and Health Care Center, under a self-perpetuating Governing Board. The transaction results in an indirect transfer of the license as described in Agency Documents Access and Management System (ADAMS) accession number ML23311A355.

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, Revision 1, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses." The NRC staff finds that the information submitted by Memorial Hospital and Health Care Center sufficiently describes and documents the transaction and commitments made by Memorial Hospital and Health Care Center and Deaconess Health System.

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 change in control is in accordance with the Act. The staff finds that, after the change of control Memorial Hospital and Health Care Center 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 promotes the security of licensed material.

**SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Web Based Licensing System (WBL), Memorial Hospital and Health Care Center has been an NRC licensee since July 22, 1976. The NRC conducted a main office inspection of Memorial Hospital and Health Care Center on July 16,

2019, and no violations were identified during the inspection. The commitments made by Memorial Hospital and Health Care Center and Deaconess Health System state that Memorial Hospital and Health Care Center (License No. 13-09274-03):

- 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;
- F. will keep regulatory required surveillance records and decommissioning records.

Deaconess Health System, Inc. indirectly as the parent company of Deaconess Hospital c/o Midwest Radiologic Imaging is the holder of NRC License No. 13-00142-02. Therefore, for security purposes, Deaconess Health System, Inc., is considered as 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', Jan. 29, 2019 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.

Memorial Hospital and Health Care Center is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 13-09274-03.

## **REGULATORY FRAMEWORK**

Memorial Hospital and Health Care Center's License No. 13-09274-03 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, Revision 1. As discussed in NUREG-1556, Volume 15, Revision 1, 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. Memorial Hospital and Health Care Center's request for consent describes an indirect change of control resulting from a planned

change in ownership between Memorial Hospital and Health Care Center and Deaconess Health System, Inc. and, as such, the transfer requires NRC consent.

## **DESCRIPTION OF TRANSACTION**

The transaction is described in ADAMS accession numbers ML23311A355. After completion of the transaction, Memorial Hospital and Health Care Center will continue as the licensee and remain in control of all licensed activities under Materials License No. 13-09274-03. 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 Memorial Hospital and Health Care Center describes and documents the commitments made by Memorial Hospital and Health Care Center and Deaconess Healthcare System, and is consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

## **ENVIRONMENTAL REVIEW**

An environmental assessment for this action is not required since this action is categorically excluded under 10 CFR 51.22(c)(14)(xi).

## **CONCLUSION**

The staff has reviewed the request for consent submitted by both parties with regard to an indirect change of control of byproduct materials license No. 13-09274-03 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, Revision 1.

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.