



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

June 11, 2024

Zachary Charles Smith, M.D.
Radiation Safety Officer
Helen Newberry Joy Hospital
502 W. Harrie St.
Newberry, MI 49868

**SUBJECT: HELEN NEWBERRY JOY HOSPITAL REQUEST FOR WRITTEN CONSENT
TO INDIRECT LICENSE TRANSFER**

By letter dated April 2, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML24095A188), Helen Newberry Joy Hospital submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to an indirect transfer of control of NRC Materials License number 21-32004-01. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC consents to the transfer.

Helen Newberry Joy Hospital is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated April 2, 2024, Helen Newberry Joy Hospital requested written consent to the indirect transfer of control of its license from the NRC. Because the license was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," the NRC must find that the transfer is in accordance with the provisions of the AEA and, if so, must give its consent in writing prior to the transfer, in accordance with Section 184 of the AEA and 10 CFR 30.34(b). Additionally, the NRC staff reviewed the indirect transfer of control request 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," dated June 2016.

10 CFR 30.34(b) states:

1. No license issued or granted pursuant to the regulations in [parts 30] 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.
2. An application for transfer of license must include:
 - (i) The identity, technical and financial qualifications of the proposed transferee; and
 - (ii) Financial assurance for decommissioning information required by [10 CFR] 30.35.

As described in ADAMS package accession number ML24095A188, the indirect transfer of control will result from a change (“transition”) in the local/state government rule governing its Board of Trustees. Specifically, the transition will be from a County Health Facility Corporation autonomously operated by a Board of Trustees selected by the Luce County Board of Commissioners under the Michigan Municipal Health Facilities Corporations Act, to an independent directorship nonprofit corporation with the Board of Trustees independently governing as the board of directors under the Michigan Nonprofit Corporation Act. There will be no change in the composition of the Board of Trustees after the transition. The NRC staff finds that the licensee request adequately provides a complete and clear description of the proposed transaction, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1. The sufficiency of the description is evaluated below.

The request for an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2, Subpart M and as described in NRC’s Regulatory Issue Summary 2014-08, Revision 1. No comments were received.

In the request for an indirect transfer of ownership, Helen Newberry Joy Hospital provided information regarding its current decommissioning funding plans. Based on the information provided, Helen Newberry Joy Hospital is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license. The NRC staff finds that the licensee’s request adequately provided information for financial assurance for decommissioning, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Further, the NRC conducted an inspection of Helen Newberry Joy Hospital on June 25, 2019, at 502 W Harrie Street, Newberry, MI 49868. The NRC identified no violations.

Additionally, as described in its request, Helen Newberry Joy Hospital commits that it:

- A. will not change the licensee’s name;
- B. will not change personnel having control over licensed activities (including the Radiation Safety Officer (RSO) and authorized users);
- C. will not change the use, possession, location, or storage of licensed materials;
- D. will not change the licensee’s facility and equipment; and
- E. will not change the procedures.

Based on these commitments, the NRC staff finds that the licensee request adequately documents the constraints, license conditions, requirements, representations, and commitments made by the transferee, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Helen Newberry Joy Hospital has been an NRC licensee holding NRC Materials License No. 21-32004-01 since July 30, 1997. The request for a consent of an indirect transfer of control is for a proposed change in the process how the licensee’s Board of Trustees will be established or operated. No change in the composition of the Board of Trustees is planned or expected. There will be no changes to the licensee’s radiation safety program (licensee’s name, address, facility and equipment, licensed material and use, persons responsible for the use of licensed material, and procedures). The NRC staff used the guidance provided by the NRC’s Office of Nuclear Material Safety and Safeguards’ “Checklist to provide a basis for confidence that radioactive materials will be used as specified on the application,” January 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. Therefore, for security purposes, Helen Newberry Joy Hospital is considered a known entity because it is an NRC licensee before and after the proposed indirect transfer of control.

An environmental assessment for this action is not required because this action is categorically excluded under 10 CFR 51.22(c)(21).

The staff has reviewed the request for an indirect transfer of control of 21-32004-01. The NRC staff finds that the indirect transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer. Please note that you will need to notify us promptly, in writing, after the transition has been finalized. If this planned transition has not been consummated within 30 days of the proposed date, please notify us in writing.

Future changes in the licensee's name, licensed use, licensed materials, licensed location, persons responsible for licensed material, or other changes to the corporate organizational structure require submission of a request to amend the license or a request to transfer the license. NRC approval must be received prior to implementation of any such proposed change.

In accordance with 10 CFR 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. If you have any questions regarding this letter, please contact me at 630-829-9623 or via electronic mail at frank.tran@nrc.gov.

Sincerely,

Frank P. D. Tran
Senior Health Physicist
Materials Licensing Branch

Docket No.: 030-34481
License No.: 21-32004-01
Control No.: 640238