

From: Richard McKinley
Sent: Tuesday, August 12, 2008 1:44 PM
To: mpotter@bbmc.org
Cc: Richard McKinley
Subject: Letter dated July 10, 2008 re: Southern Delaware Surgery Center, 07-31145-01, 03037185

Dear Ms. Potter:

It appears from your letter that a possible change of ownership (control) has occurred. Licensees must provide full information and obtain NRC's **prior written consent** before transferring control of the license. Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and thus the direction of the activities under the license. A transferee is an entity that proposes to purchase or otherwise gain control of an NRC-licensed operation. A transferor is an NRC licensee selling or otherwise giving up control of a licensed operation. Provide the following information concerning changes of control by the applicant (transferor and/or transferee, as appropriate). If any items are not applicable, so state.

- a. Provide a complete description of the transaction (transfer of stocks or assets, or merger).
- b. Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who NRC may contact if more information is needed.
- c. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for any new personnel.
- d. Describe any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.
- e. Describe the status of the surveillance program (surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.
- f. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.
- g. Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.
- h. If your license requires financial assurance for decommissioning, you will need to address changes to financial assurance for name changes and/or change in ownership (control). If your company's name is changing and there is no change of ownership, you will need to amend your financial assurance instruments and supporting documents to address the change in name. If there has been a

change of ownership (control), the transferee must submit new financial assurance in accordance with Chapter 4 to Volume 3 of NUREG-1757, "Consolidated NMSS Decommissioning Guidance."

If you have any questions regarding these inquiries, please feel free to call me at(610)337-5102, or contact me by return email.

Sincerely,
Richard McKinley
Health Physicist
U.S. NRC

E-mail Properties

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Subject: Letter dated July 10, 2008 re: Southern Delaware Surgery Center, 07-31145-01, 03037185

Sent Date: 08/12/2008 1:44:28 PM

Received Date: 08/12/2008 1:44:28 PM

From: Richard McKinley

Created By: Richard.McKinley@nrc.gov

Recipients:

mpotter@bbmc.org (mpotter@bbmc.org)

Tracking Status: None

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Tracking Status: None

Post Office:

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Options

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Recipients received: