

**SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 47-25614-01 STATELINE CARDIAC IMAGING**

DATE: June 5, 2013

DOCKET NO.: 030-36183

LICENSE NO.: 47-25614-01

LICENSEE: Stateline Cardiac Imaging
485 Colliers Way, Suite L
Weirton, West Virginia 26062

TECHNICAL REVIEWER: Janice Nguyen

SUMMARY AND CONCLUSIONS

Stateline Cardiac Imaging (SCI) is authorized by NRC License 47-25614-01 for the possession and use of byproduct material for purposes of imaging and localization studies permitted by 10 CFR 35.200 at 485 Colliers Way, Suite L, Weirton, West Virginia. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct license transfer submitted by Stateline Cardiac Imaging that will result from a sale between Stateline Cardiac Imaging and Weirton Medical Center (WMC). The assets of Stateline Cardiac Imaging were purchased by Weirton Medical Center on April 1, 2013. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) accession numbers ML13084A210, ML13081A069, and ML13155A254.

The request for consent was reviewed by NRC staff for a direct change in control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated November 2000. The NRC staff finds that the information submitted by Stateline Cardiac Imaging and Weirton Medical Center 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 change in control is in accordance with the Act. The staff finds that, after the change of control, the facility at 485 Colliers Way, Suite L, Weirton, West Virginia, now operated by Weirton Medical 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 promote the security of licensed material.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Licensing Tracking System (LTS), Weirton Medical Center has been an NRC licensee since January 12, 1978. The NRC conducted a main office inspection of Weirton Medical Center on April 20, 2011 and no violations were identified during this inspection. The commitments made by Weirton Medical Center (License No. 47-17567-01) and Stateline Cardiac Imaging state the following:

- A. The Weirton Medical Center Radiation Safety Officer (RSO) will oversee the location at 485 Colliers Way, Suite L, Weirton, West Virginia; Stateline Cardiac Imaging's current RSO will remain as an authorized user (AU);
- B. WMC will not change the personnel involved in licensed activities;
- C. WMC will not change the locations, facilities, and equipment authorized in the NRC license;
- D. WMC will not change the radiation safety program authorized in the NRC license;
- E. The location at 485 Colliers Way, Suite L, Weirton, West Virginia will be known as Weirton Medical Center; and
- F. WMC will keep regulatory required surveillance records and decommissioning records.

Weirton Medical Center has an active NRC license. License No. 47-17567-01 authorizes the medical use of diagnostic studies and therapy procedures under 10 CFR 35.100, 35.200, 35.300, and 35.500. Therefore, for security purposes, Weirton Medical Center 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.

Stateline Cardiac Imaging is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-25614-01.

REGULATORY FRAMEWORK

Stateline Cardiac Imaging's License No. 47-25614-01, 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. As discussed in NUREG-I 556, Volume 15, 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. Stateline Cardiac Imaging’s request for consent describes a direct change of control resulting from a planned sale between Weirton Medical Center and Stateline Cardiac Imaging. Following the completion of the sale, the location at 485 Colliers Way, Suite L, Weirton, West Virginia will become a location of use for Weirton Medical Center, and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession number ML13084A210, ML13081A069, and ML13155A254. After completion of the sale, the location at 485 Colliers Way, Suite L, Weirton, West Virginia will become a location of use for Weirton Medical Center under Materials License No. 47-17567-01 and the Stateline Cardiac Imaging Materials License No. 47-25614-01 will be terminated. 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 F of NUREG-1556, Volume 15.

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

The NRC staff finds that the information submitted by Stateline Cardiac Imaging sufficiently describes and documents the commitments made by Weirton Medical Center and Stateline Cardiac Imaging, and is consistent with the guidance in NUREG-1556, Volume 15.

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 direct change of control of byproduct materials license No. 47-25614-01 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.

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.