

SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 47-25319-01 PARKERSBURG CARDIOLOGY ASSOCIATES, INC.

DATE: December 16, 2014

DOCKET NO.: 030-33684

LICENSE NO.: 47-25319-01

LICENSEE: Parkersburg Cardiology Associates, Inc.
600 18th Street, Suite 512
Parkersburg, West Virginia 26101

TECHNICAL REVIEWER: Janice Nguyen

SUMMARY AND CONCLUSIONS

Parkersburg Cardiology Associates, Inc. (CAN) is authorized by NRC License 47-25319-01 for the possession and use of byproduct material for purposes of imaging and localization studies permitted by 10 CFR 35.200 at 600 18th Street, Suite 512, Parkersburg, West Virginia. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct license transfer submitted by Parkersburg Cardiology Associates, Inc. that will result from a sale between Parkersburg Cardiology Associates, Inc. and Camden-Clark Memorial Hospital Corporation (CCMHC). The assets of Parkersburg Cardiology Associates, Inc. were purchased by Camden-Clark Memorial Hospital Corporation on September 8, 2014. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML14273A484. The ADAMS package consists of the following agency documents: letter dated September 2, 2014 (ML14273A486 and ML14310A668) and letter dated November 26, 2014, with attachments dated November 24, 2014 (ML14346A337).

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 Parkersburg Cardiology Associates, Inc. and Camden-Clark Memorial Hospital Corporation 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 facilities at 600 18th Street, Suite 512, Parkersburg, West Virginia, now operated by Camden-Clark Memorial Hospital Corporation, 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), Camden-Clark Memorial Hospital Corporation (CCMHC) has been an NRC licensee since November 9, 1965. The NRC conducted a main office inspection of Camden-Clark Memorial Hospital Corporation on November 7, 2013, with an exit meeting on November 21, 2013, and no items of non-compliance were identified. A limited inspection was performed on June 6, 2014, with an exit meeting on August 12, 2014, which identified one Severity Level IV violation. On June 6, 2014, Camden-Clark Memorial Hospital Corporation did not secure from unauthorized removal or access licensed materials that were stored in a controlled area in accordance with 10 CFR 20.1802. The commitments made by Camden-Clark Memorial Hospital Corporation (License No. 47-09772-02) and Parkersburg Cardiology Associates, Inc. state the following:

- A. The Camden-Clark Memorial Hospital Corporation Radiation Safety Officer (RSO) will oversee the location at 600 18th Street, Suite 512, Parkersburg, West Virginia; Parkersburg Cardiology Associates, Inc.'s current RSO will remain as an authorized user (AU);
- B. CCMHC will not change the personnel involved in licensed activities;
- C. CCMHC will not change the locations, facilities, and equipment authorized in the NRC license;
- D. CCMHC will not change the radiation safety program authorized in the NRC license;
- E. The location at 600 18th Street, Suite 512, Parkersburg, West Virginia will be known as Camden-Clark Memorial Hospital Corporation; and
- F. CCMHC will keep regulatory required surveillance records and decommissioning records.

Camden-Clark Memorial Hospital Corporation has an active NRC license. License No. 47-09772-02 is a medical license, authorizing multiple modalities of medical use of diagnostic studies and therapy procedures. Therefore, for security purposes, Camden-Clark Memorial Hospital Corporation 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.

Parkersburg Cardiology Associates, Inc. is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-25319-01.

REGULATORY FRAMEWORK

Parkersburg Cardiology Associates, Inc.'s License No. 47-25319-01, 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-1556, 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. Parkersburg Cardiology Associates, Inc.'s request for consent describes a direct change of control resulting from a planned sale between Camden-Clark Memorial Hospital Corporation and Parkersburg Cardiology Associates, Inc. Following the completion of the sale, the location at 600 18th Street, Suite 512, Parkersburg, West Virginia will become a location of use for Camden-Clark Memorial Hospital Corporation, and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS package accession number ML14273A484. The ADAMS package consists of the following agency documents: letter dated September 2, 2014 (ML14273A486 and ML14310A668) and letter dated November 26, 2014, with attachments dated November 24, 2014 (ML14346A337). After completion of the sale, the location at 600 18th Street, Suite 512, Parkersburg, West Virginia, will become a location of use for Camden-Clark Memorial Hospital Corporation under Materials License No. 47-09772-02 and the Parkersburg Cardiology Associates, Inc. Materials License No. 47-25319-01 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 Parkersburg Cardiology Associates, Inc. sufficiently describes and documents the commitments made by Camden-Clark Memorial Hospital Corporation and Parkersburg Cardiology Associates, Inc., 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. 47-25319-01 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.