

**SAFETY EVALUATION REPORT**  
**PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS**  
**LICENSE NUMBER 47-17282-01, Ohio Valley Medical Center**

**DATE:** August 8, 2017

**DOCKET NO.:** 030-12498

**LICENSE NO.:** 47-17282-01

**LICENSEE:** Ohio Valley Medical Center  
2000 Eoff Street  
Wheeling, West Virginia 26003-3870

**TECHNICAL REVIEWER:** Janice Nguyen

**SUMMARY AND CONCLUSIONS**

Ohio Valley Medical Center is authorized by NRC License 47-17282-01 for the possession and medical use of byproduct material for the purpose of diagnostic imaging studies and therapeutic procedures permitted by 10 CFR 35.100, 35.200, and 35.300, and a Strontium-90 source that is in storage, incident to disposal, at 2000 Eoff Street, Wheeling, West Virginia. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct license transfer submitted by Ohio Valley Medical Center that will result from a sale between Ohio Valley Medical Center (OVMC) and Alecto Healthcare Services Ohio Valley LLC (AHSOV), Alecto Healthcare Services Wheeling LLC (AHSW), and Alecto Healthcare Services Martin's Ferry LLC (AHSMF). Substantially all of the assets of Ohio Valley Medical Center were purchased on June 1, 2017, but the license and the materials subject to the license were specifically excluded from the assets transferred, and that portion of the sale will occur immediately following NRC's written consent to the license transfer. After the sale, OVMC will be owned and operated by AHSW, whose parent company is AHSOV. The licensee will be known as Alecto Healthcare Services Wheeling LLC d/b/a Ohio Valley Medical Center. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) package Accession number ML17139D325. The ADAMS package consists of the following agency documents: letter dated May 12, 2017 (ML17139D326), email dated June 5, 2017, with attached letter dated May 25, 2017 (ML17160A416), and letter dated July 18, 2017 (ML17208A845).

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 Ohio Valley Medical Center and Alecto Healthcare Services Ohio Valley LLC (AHSOV), Alecto Healthcare Services Wheeling LLC (AHSW), and Alecto Healthcare Services Martin's Ferry LLC (AHSMF) sufficiently describes and documents the transaction and commitments made by all 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 transfer of control, the facilities at 2000 Eoff Street, Wheeling, West Virginia, now operated by Alecto Healthcare Services Wheeling LLC, d/b/a Ohio Valley 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 NRC's Web Based Licensing system, Ohio Valley Medical Center has been an NRC licensee since December 13, 1976. The NRC conducted an inspection on May 2, 2017, and no violations were identified during this inspection. The commitments made by Alecto Healthcare Services Wheeling LLC (AHSW) and Ohio Valley Medical Center (OVMC) state that, absent NRC approval, Alecto Healthcare Services Wheeling, LLC d/b/a Ohio Valley Medical Center (License No. 47-17282-01):

- 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 change the organization's name listed in the NRC license to Alecto Healthcare Services Wheeling, LLC d/b/a Ohio Valley Medical Center; and
- F. will keep regulatory required surveillance records and decommissioning records.

Alecto Healthcare Services Wheeling LLC is a subsidiary of Alecto Healthcare Services LLC and an affiliate of Alecto Healthcare Services Fairmont LLC. Alecto Healthcare Services LLC owns and operates Alecto Healthcare Services Fairmont LLC (AHSF), which holds NRC license number 47-17929-01. AHSF has a medical NRC license, authorizing multiple modalities of medical use of diagnostic studies and therapy procedures. Therefore, for security purposes, Alecto Healthcare Services Wheeling LLC 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.

Ohio Valley Medical Center is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-17282-01.

## **REGULATORY FRAMEWORK**

Ohio Valley Medical Center's NRC License No. 47-17282-01 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 transfer 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. The central issue is whether the authority over the license has changed. Ohio Valley Medical Center's request for consent describes a direct transfer of control resulting from a planned sale between Alecto Healthcare Services Ohio Valley LLC (AHSOV), Alecto Healthcare Services Wheeling LLC (AHSW), and Alecto Healthcare Services Martin's Ferry LLC (AHSMF), and Ohio Valley Medical Center. Following the completion of the sale immediately following the NRC's consent to license transfer, Ohio Valley Medical Center will directly be owned by Alecto Healthcare Services Wheeling LLC and, as such, the transfer requires NRC consent.

## **DESCRIPTION OF TRANSACTION**

The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) package Accession number ML17139D325. The ADAMS package consists of the following agency documents: letter dated May 12, 2017 (ML17139D326), email dated June 5, 2017, with attached letter dated May 25, 2017 (ML17160A416), and letter dated July 18, 2017 (ML17208A845). After completion of the sale, Alecto Healthcare Services Wheeling LLC d/b/a Ohio Valley Medical Center will continue as the licensee and remain in control of all licensed activities under Materials License No. 47-17282-01. 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 Ohio Valley Medical Center sufficiently describes and documents the commitments made by Alecto Healthcare Services Wheeling LLC and Ohio Valley Medical Center 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)(21).

## **CONCLUSION**

The staff has reviewed the request for consent submitted by all parties with regard to a direct transfer of control of byproduct materials license No. 47-17282-01 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.