

SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 06-15203-01, WINDHAM COMMUNITY MEMORIAL HOSPITAL, INC.

DATE: March 12, 2019

DOCKET NO.: 030-08728

LICENSE NO.: 06-15203-01

LICENSEE: Windham Community Memorial Hospital, Inc.
112 Mansfield Avenue
Willimantic, Connecticut 06226

TECHNICAL REVIEWER: Farrah C. Gaskins, Health Physicist, Region I

SUMMARY AND CONCLUSIONS

Windham Community Memorial Hospital, Inc. (Windham Hospital) is authorized by NRC License 06-15203-01 for the possession and use of byproduct material for purposes of medical uses. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to an indirect license transfer submitted by Windham Hospital that resulted from the acquisition of Windham Hospital by Hartford Healthcare Corporation (HHC) as a wholly owned subsidiary. Windham Hospital was acquired by Hartford Healthcare Corporation (HHC) as a member substitution and became a wholly owned subsidiary of HHC in approximately 2009. The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) accession numbers ML18331A090 and ML19039A329.

The licensee's request for consent to an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2 and following the guidance provided in the NRC's Regulatory Issue Summary 2014-08. No comments were received from members of the public.

The request for consent was reviewed by NRC staff for an indirect transfer of control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, Rev. 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. The NRC staff finds that the information submitted by Windham Hospital and HHC 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, with the exception of the failure to obtain NRC's prior written approval, the proposed transfer of control is in accordance with the Act. The staff finds that, after the transfer of control, Windham Hospital 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 to promote the common defense and security.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Web Based Licensing (WBL) system, Windham Hospital has been an NRC licensee since August 27, 1972. The NRC conducted a main office inspection of Windham Hospital on October 16, 2018, which resulted in one Severity Level IV violation of NRC regulations for failure to receive prior approval before undergoing a change of control in accordance with 10 CFR 30.34(b)(1). The commitments made by HHC and Windham Hospital state that there will be:

- A. no change to the radiation safety officer listed in the NRC license;
- B. no change in personnel involved in licensed activities;
- C. no change in the locations, facilities, and equipment authorized in the NRC license;
- D. no change in the radiation safety program authorized in the NRC license; and
- E. no change in the organization's name listed in the NRC license.

Further, the licensee will maintain required surveillance records and decommissioning records as required by NRC regulations.

HHC has acquired a number of NRC licenses including Hartford Hospital (NRC License No. 06-00253-04), the Hospital of Central Connecticut (NRC License No. 06-02388-01), William W. Backus Hospital (NRC License No. 06-11734-02), Mid State Medical Center (NRC License No. 06-05686-02), and Charlotte Hungerford Hospital (NRC License No. 06-08349-04). Hartford Hospital (HH) operates a large acute care teaching hospital and related facilities located in Hartford, Connecticut. HH has been an NRC licensee since October 11, 1956. The Hospital of Central Connecticut (HOCC) operates an acute-care community teaching hospital and related facilities in New Britain and Southington, Connecticut. HOCC has been an NRC licensee since April 8, 1957. Therefore, for security purposes HHC 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.

Windham Hospital is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 06-15203-01, as outlined by 10 CFR 30.35.

REGULATORY FRAMEWORK

Windham Hospital's License No. 06-15203-01 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, Revision 1. Windham Hospital's request for consent describes an indirect transfer of control and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The indirect transfer of control is described in ADAMS accession numbers ML18331A090 and ML19039A329. The acquisition took place in 2009 and Windham Hospital continues as the licensee and remains in control of all licensed activities under Materials License No. 06-15203-01. 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 E of NUREG-1556, Volume 15, Revision 1.

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

The NRC staff finds that the information submitted by Windham Hospital sufficiently describes and documents the commitments made by HHC and Windham Hospital, and is consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

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 both parties with regard to an indirect change of control of byproduct materials license No. 06-15203-01 and consents to the transfer pursuant to 10 CFR 30.34(b).

Consistent with the guidance in NUREG-1556, Volume 15, Revision 1, the submitted information sufficiently describes the transaction; documents the understanding of the license and commitments of the transferee; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; and provides that, in the future, the transferee will abide by all existing commitments on the license.

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.