

**SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL OF BYPRODUCT MATERIALS LICENSE
NUMBER 47-01458-01, UNITED HOSPITAL CENTER**

DATE: June 4, 2019

DOCKET NOS.: 030-03375

LICENSE NOS.: 47-01458-01

LICENSEE: United Hospital Center
327 Medical Park Drive
Bridgeport, WV 26330

TECHNICAL REVIEWER: Janice Nguyen, Senior Health Physicist, Region I

SUMMARY AND CONCLUSIONS

United Hospital Center is authorized by NRC License 47-01458-01 for the possession and medical use of byproduct material for diagnostic and therapeutic procedures permitted at 327 Medical Park Drive in Bridgeport, West Virginia. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a post hoc request for consent to a previously completed indirect transfer submitted by United Hospital Center (in Agency Documents Access and Management System (ADAMS) accession number ML18361A506). The indirect transfer that was completed in 1997 resulted from a transaction between West Virginia United Health System, Inc. (WVUHS) and United Hospital Center (UHC). WVUHS, a private, non-profit West Virginia corporation, became the sole corporate member of UHC and its corporate parent. UHC maintained its legal name and federal tax identification number. The request for consent to the indirect transfer of control, requests for additional information and responses is available at ADAMS package accession number ML18361A505.

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: Program-Specific 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 UHC sufficiently describes and documents the transaction and commitments made by UHC and WVUHS.

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 transfer of control is in accordance with the Act. The staff finds that, after the transfer of control, United Hospital Center remains qualified to use byproduct material for the purpose requested and continues 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 system, United Hospital Center has been an NRC licensee since November 23, 1956. The NRC conducted a main office inspection of United Hospital Center on February 8 and 16, 2017, and one Severity Level IV violation was identified for not maintaining constant surveillance of a unit dosage of Tc-99m in accordance with 10 CFR 20.1802. The commitments made by UHC and WVUHS 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 location, 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.

West Virginia United Health System, Inc. d/b/a West Virginia University Health System (WVUHS) is a private, non-profit West Virginia corporation, organized and existing pursuant to the laws of the State of West Virginia. WVUHS is a corporate parent and grandparent of several other hospitals in the state of West Virginia, including: West Virginia University Hospitals, Inc. (WVUH) (NRC License No. 47- 23066-02), Camden-Clark Memorial Hospital Corporation (NRC License No. 47-09772-02), Wetzel County Hospital (NRC License No. 47-18320-01), Berkeley Medical Center (NRC License No. 47-15501-01), Reynolds Memorial Hospital (NRC License No. 47-08019-01), Potomac Valley Hospital (NRC License No. 47-21163-01), The Greenbrier Clinic (NRC License No. 47-25597-01), Braxton County Memorial Hospital (NRC License No. 47-31190-01), and Jefferson Medical Center (NRC License No. 47-23066-02). WVUH operates a large, tertiary, teaching medical center in Morgantown, West Virginia, and has been a NRC licensee since April 9, 1985. Therefore, for security purposes WVUHS 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.

UHC is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-01458-01, as outlined by 10 CFR 30.35.

REGULATORY FRAMEWORK

United Hospital Center's License No. 47-01458-01 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, Revision 1. United Hospital Center'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 Agency Documents Access and Management System (ADAMS) package accession number ML18361A505 [which includes letter dated December 5, 2018 (ML18361A506), email dated February 28, 2019 requesting additional information (ML19066A058), and letter dated March 8, 2019 (ML19078A144)]. After completion of the transaction, United Hospital Center will continue as the licensee and remain in control of all licensed activities under Materials License No. 47-01458-01. 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 UHC and WVUHS sufficiently describes and documents the commitments made by both parties, 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 the licensee with regard to an indirect transfer of control of byproduct materials license No. 47-01458-01; 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 transfer of 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.