

SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL OF BYPRODUCT MATERIALS LICENSE
NUMBER 47-31126-01, Summersville Regional Medical Center

DATE: June 27, 2019

DOCKET NO.: 030-37131

LICENSE NO.: 47-31126-01

LICENSEE: Summersville Regional Medical Center
400 Fairview Heights Rd
Summersville, West Virginia 26651

TECHNICAL REVIEWER: Farah Gaskins, Health Physicist; Region I

SUMMARY AND CONCLUSIONS

Summersville Regional Medical Center (SRMC) is authorized by NRC License No. 47-31126-01 for the possession and medical use of byproduct material for diagnostic and therapeutic studies permitted at 400 Fairview Heights Road in Summersville, West Virginia. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a license transfer submitted by Summersville Regional Medical Center. The transfer, which will become effective on July 1, 2019, will be a result of a transaction between The West Virginia Health Care Cooperative, Inc. (WVHCC) and Summersville Regional Medical Center (SRMC). WVHCC, whose sole member is West Virginia University Hospitals, Inc. (WVUH), will assume operations of SRMC from Summersville Regional Medical Center Commission and lease the properties owned by the City of Summersville Building Commission. The legal name will change to "The West Virginia Health Care Cooperative, Inc. d/b/a Summersville Regional Medical Center." The transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML19091A125. The ADAMS package consists of the following agency documents: a letter dated March 18, 2019 (ML19178A115); a telephone conversation dated May 16, 2019 (ML19140A362); a letter dated May 23, 2019 (ML19151A442); and a letter dated June 27, 2019 (ML19178A373), as supplemented by a second letter dated June 27, 2019 (ML19178A391).

The request for consent was reviewed by NRC staff for a 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 SRMC and WVHCC sufficiently describes and documents the transaction and commitments made by the 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 transfer of control is in accordance with the Act. The staff finds that, after the transfer of control, SRMC 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.

The licensee's request for consent to the transfer of ownership will be posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2. As articulated in the NRC's Regulatory Issue Summary 2014-08, Revision 1, "Regulatory Requirements for Transfer of Control (Change of Ownership) of Specific Materials Licenses," consent for a transfer of control will not generally be granted by the NRC until after a 30-day posting period has elapsed and the NRC has found that the transfer is in accordance with the Act. However, the NRC may consent to the transfer of control prior to the expiration of the 30-day posting period if there are extenuating circumstances where the NRC determines that it is in the interest of ensuring public health and safety to consent to the transfer. In a letter dated June 27, 2019, and as supplemented by a second letter also dated June 27, 2019, WVHCC and SRMC jointly stated that "hospital and skilled nursing patients will not receive necessary, and perhaps life-saving, medical testing" "without the ability of WVHCC to access and operate medical equipment made possible by the NRC License after July 1." Therefore, for this stated reason, the NRC staff finds that WVHCC and SRMC have articulated extenuating circumstances and determines that consenting to the transfer of control prior to the expiration of 30-day posting period is in the interest of ensuring public health and safety.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Web Based Licensing system, SRMC has been an NRC licensee since March 27, 2006. The NRC conducted an inspection at the Summersville, West Virginia, facility on November 23, 2018, and no violations were identified. The commitments made by SRMC and WVHCC state that there will be:

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

The organization's name listed in the NRC license will change to "The West Virginia Health Care Cooperative, Inc. d/b/a Summersville Regional Medical Center." Further, the licensee will maintain required surveillance records and decommissioning records as required by NRC regulations.

WVHCC, whose sole member is WVUH, will assume operations of SRMC from Summersville Regional Medical Center Commission and lease the properties owned by the City of Summersville Building Commission. WVUH is a non-profit corporation that is organized pursuant to the laws of the State of West Virginia and has been a NRC licensee since April 9, 1985 (NRC License No. 47- 23066-02). WVUH owns and operates a tertiary, teaching medical center in Morgantown, West Virginia. WVUH has entered into agreements with other NRC licensees in West Virginia to varying degrees of control including: United Hospital Center (NRC License No. 47-01458-01), Camden-Clark Memorial Hospital Corporation (NRC License No. 47-09772-02), 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

Greenbriar 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). Therefore, for security purposes WVUH 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.

SRMC is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-31126-01, as outlined by 10 CFR 30.35.

REGULATORY FRAMEWORK

SMRC's license No. 47-31126-01 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. SRMC's request for consent describes a transfer of control and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transfer of control is described in ADAMS package accession number ML19091A125. The ADAMS package consists of the following agency documents: letter dated March 18, 2019, (ML1978A115); telephone conversation dated May 16, 2019 (ML19140A362); letter dated May 23, 2019 (ML19151A442); and a letter dated June 27, 2019 (ML19178A373), as supplemented by a second letter dated June 27, 2019 (ML19178A391). 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 SRMC and WVHCC 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 a transfer of control of byproduct materials license No. 47-31126-01 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.