

**SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 47-18320-01, WETZEL COUNTY HOSPITAL**

DATE: June 11, 2020

DOCKET NO.: 03014841

LICENSE NO.: 47-18320-01

LICENSEE: Wetzel County Hospital
3 East Benjamin Drive
New Martinsville, West Virginia 26155

TECHNICAL REVIEWER: Robert Gallagher

SUMMARY AND CONCLUSIONS

Wetzel County Hospital is authorized by U.S. Nuclear Regulatory Commission (NRC) License Number 47-18320-01 for the possession and use of byproduct material for the purpose of medical diagnosis. The NRC staff reviewed a request for consent to a direct license transfer submitted by Wetzel County Hospital (the "Hospital") and Wetzel County Hospital, Inc. ("WCH") The license transfer would result from the lease of the operations of the Hospital from Wetzel County Hospital Association ("WCHA") and the Board of Trustees of Wetzel County Hospital. WCH will lease the properties and facilities of the Hospital from the County Commission of Wetzel County, West Virginia. The name of the Licensee will change to Wetzel County Hospital, Inc.

The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML20098D500.

The request for consent was reviewed by NRC staff as a direct transfer of control of a 10 CFR Part 30 license using the guidance in NUREG-1556, Volume 15, Revision 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 Wetzel County Hospital and Wetzel County Hospital, Inc. sufficiently describes and documents the transaction and commitments made by Wetzel County Hospital and Wetzel County Hospital, Inc.

As required by 10 CFR 30.34 and section 184 of the Atomic Energy Act of 1954 (the Act), as amended, NRC staff has reviewed the application and finds that the proposed transfer of control is in accordance with the Act. The staff finds that Wetzel County Hospital, Inc. is qualified to use byproduct material for the purpose requested and will have the equipment, facilities, and procedures needed to protect public health and safety, and promote the common defense and security.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Licensing docket files, the Hospital has been authorized to use byproduct material for medical purposes since November 15, 1978. The NRC conducted a main office inspection of the Hospital on February 21, 2019, and one severity level IV violation of 10 CFR 20.1801 and one severity level IV violation of 10 CFR 30.34(b)(1) for not obtaining approval of their change of control prior to its occurrence were cited. Corrective actions were implemented before the end of the on-site inspection for the security violation and the change of control request for approval was submitted March 28, 2019. The commitments made by the Hospital and WCH state that, absent NRC approval, WCH:

- A. will not change the radiation safety officer listed in the NRC license issued to the Hospital (License No. 47-18320-01);
- 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 Wetzel County Hospital, Inc.; and
- F. will keep required surveillance records and decommissioning records.

WCH's parent organization is West Virginia University Hospitals, Inc. (WVUH), a non-profit, tax-exempt corporation that is organized pursuant to the laws of the State of West Virginia. WVUH owns and operates a tertiary, teaching medical center in Morgantown County, 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). WVUH has been an NRC licensee since April 9, 1985 (NRC License No. 47-23066-02). Therefore, for security purposes, WVUH is considered to be a known entity according to the guidance provided by the NRC's Office of Nuclear Material Safety and Safeguards (NMSS) "Checklist to Provide a Basis for Confidence That Radioactive Materials Will Be Used as Specified on the License," January 29, 2019 (Checklist). The purpose of the 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.

Wetzel County Hospital is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-18320-01.

REGULATORY FRAMEWORK

License No. 47-18320-01 was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material." The NRC is required by 10 CFR 30.34(b) to determine if the transfer of control is in accordance with the provisions of the Act and, if so, give its consent to the transaction in writing.

10 CFR 30.34(b)(1) 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. The central issue is whether the authority over the license has changed. Wetzel County Hospital's request for consent describes a direct transfer of control resulting from the lease of Wetzel County Hospital to Wetzel County Hospital, Inc. During the time of the lease, the medical facility will be under control of Wetzel County Hospital, Inc.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS package accession number ML20098D500. 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.

LEASEE'S COMMITMENT TO ABIDE BY THE LEASOR'S COMMITMENTS

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

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required because this approval of the described transfer of control and the associated administrative license amendment are categorically excluded under 10 CFR 51.22(c)(21).

CONCLUSION

The staff has reviewed the request for transfer of control of byproduct materials License No. 47-18320-01 and, pursuant to 10 CFR 30.34(b), consents to the direct transfer of control.

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. The submitted information also demonstrates that Wetzel County Hospital, Inc. will abide by all

existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

Therefore, the NRC 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.