



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

March 2, 2021

Douglas E. Harrison,  
Chief Executive Officer  
Wheeling Hospital  
1 Medical Park  
Wheeling, West Virginia 26003  
License No. 47-05322-02  
Docket No. 03012570

SUBJECT: WHEELING HOSPITAL REQUEST FOR WRITTEN CONSENT TO INDIRECT  
LICENSE TRANSFER

By letter dated December 29, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21011A007), Wheeling Hospital submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to an indirect transfer of control of NRC Materials License Number 47-05322-02. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC consents to the transfer.

Wheeling Hospital is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated December 29, 2020, Wheeling Hospital requested written consent to the indirect transfer of control of its license from the NRC. Because the license was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," the NRC must find that the transfer is in accordance with the provisions of the AEA and, if so, must give its consent in writing prior to the transfer, in accordance with Section 184 of the AEA and 10 CFR 30.34(b). Additionally, the NRC staff reviewed the indirect transfer of control request 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.

10 CFR 30.34(b) states:

- (1) 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.
- (2) An application for transfer of license must include:
  - (i) The identity, technical and financial qualifications of the proposed transferee; and
  - (ii) Financial assurance for decommissioning information required by [10 CFR] 30.35.

The indirect transfer of control will result from a change in corporate membership in Wheeling Hospital, Inc. (Wheeling Hospital) with Most Reverend Mark E. Brennan, Bishop, on behalf of

the Roman Catholic Diocese of Wheeling-Charleston (“Transferor”) and the West Virginia United Health System, Inc., d/b/a West Virginia University Health System (“Transferee”) are parties to a Member Substitution Agreement. This Membership Substitution Agreement will replace the Transferor with the Transferee as the sole corporate member of Wheeling Hospital. Pursuant to the member substitution agreement, the Transferee will provide management services, including managing Wheeling Hospital’s day-to-day affairs, budgetary plans, operating plans, and policies and procedures. The NRC staff finds that the licensee request adequately provides a complete and clear description of the proposed transaction, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1. The sufficiency of the description is evaluated below.

The request for an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2, Subpart M and as described in NRC’s Regulatory Issue Summary 2014-08, Revision 1. No comments were received from members of the public.

In the request for an indirect transfer of ownership, Wheeling Hospital provided information regarding its current decommissioning funding plans. Based on the information provided, Wheeling Hospital is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license. The NRC staff finds that the licensee’s request adequately provided information for financial assurance for decommissioning, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Further, the NRC conducted an inspection of Wheeling Hospital on July 24, 2019 at 1 Medical Park, Wheeling, West Virginia. The NRC identified no violations.

Additionally, as described in its request, West Virginia University Health System, Inc., d/b/a West Virginia University Health System commits that it:

- 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 on the NRC license;
- D. Will not change the radiation safety program authorized on the NRC license;
- E. Will not change the organization’s name listed on the NRC license; and
- F. Will keep regulatory required surveillance records and decommissioning records.

Based on these commitments, the NRC staff finds that the licensee request adequately documents the constraints, license conditions, requirements, representations, and commitments made by the transferee, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

West Virginia United Health System, Inc. d/b/a West Virginia University Health System pursuant to an agreement and as detailed earlier, will be providing management services to Wheeling Hospital. West Virginia United Health System, Inc. d/b/a West Virginia University Health System possesses an active NRC License No. 47-23066-02 first issued on April 9, 1962. Because West Virginia United Health System, Inc. possesses an NRC license, the NRC does not need to perform a pre-licensing visit to obtain reasonable assurance that the licensed material will be used for its intended purpose and not for malevolent use.

An environmental assessment for this action is not required because this action is categorically excluded under 10 CFR 51.22(c)(21).

The staff has reviewed the request for an indirect transfer of control of Wheeling Hospital. The NRC staff finds that the indirect transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer. Please note that you will need to notify us promptly, in writing, after the transaction has been finalized and include a signed copy of the sales agreement confirming completion of the transaction. If this planned sale has not been consummated within 30 days of the date of this letter, please notify us in writing.

Future changes in the licensee's name, licensed use, licensed materials, licensed location, persons responsible for licensed material, or other changes to the corporate organizational structure require submission of a request to amend the license or a request to transfer the license. NRC approval must be received prior to implementation of any such proposed change.

In accordance with 10 CFR 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. If you have any questions regarding this letter, please contact Robert Gallagher at (610) 337-5182 or via electronic mail at [robert.gallagher@nrc.gov](mailto:robert.gallagher@nrc.gov).

Sincerely,

Robert Gallagher, Health Physicist  
 Medical and Licensing Assistance Branch  
 Division of Nuclear Materials Safety  
 U.S. Nuclear Regulatory Commission  
 Region I

License No. 47-05322-02  
 Docket No. 03012570  
 Mail Control No. 624212

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