



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

March 14, 2023

H. James Stanton, M.D.
Administrator and Radiation Safety Officer
4315 MacCorkle Avenue, SE
Charleston, WV 25304-2503

SUBJECT: H. JAMES STANTON, M.D., ACCEPTANCE OF NOTIFICATION OF
TRANSFER OF CONTROL, MAIL CONTROL NO. 634331

Dear Dr. Stanton:

By letter dated January 27, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML23031A097), H. James Stanton, M.D. 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 47-25572-01. 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.

H. James Stanton, M.D. is authorized by the NRC for the possession and use of byproduct material under 10 CFR Part 30. By letter dated January 27, 2023, H. James Stanton, M.D. 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 Part 30 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.

As described in ADAMS package accession number ML23031A094, the indirect transfer of control will result from a purchase agreement between H. James Stanton, M.D. (HJS) and West Virginia University Medical Corporation d/b/a University Health Associates (UHA) in which UHA will be acquiring substantially all of the assets of the licensee from HJS. 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.

Based on the information provided, H. James Stanton, M.D. is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license.

Further, the NRC conducted an inspection of H. James Stanton, M.D. on August 4, 2021, at 4315 MacCorkle Avenue, SE, Charleston, West Virginia. The NRC identified no violations.

Additionally, as described in its request, West Virginia University Medical Corporation d/b/a University Health Associates (UHA) 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 in the NRC license;
- D. will not change the radiation safety program authorized in the NRC license;
- E. will not change the organization's name listed in the NRC license;
- 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 University Medical Corporation d/b/a University Health Associates (UHA) serves as a clinical practice plan for the faculty of the West Virginia University School of Medicine, the physician members of which comprise the closed medical staff of West Virginia University Hospitals, Inc. West Virginia United Health System, Inc. d/b/a West Virginia University Health System (WVUHS). WVUHS is a known entity because they are the parent company to several other NRC medical licensees, including West Virginia University Hospital (NRC License No. 47-23066-02), United Hospital Center (NRC License No. 47-01458-01), University Healthcare - Berkeley Medical Center (NRC License No. 47-15501-01), Reynolds Memorial Hospital (NRC License No. 47-08019-01), Camden Clark Medical Center (NRC License No. 47-09772-02), Potomac Valley Hospital (NRC License No. 47-21163-01), The West Virginia Health Care Cooperative (NRC License No. 47-31126-01), Jackson General Hospital (NRC License No. 47-17058-01), Wetzel County Hospital (NRC License No. 47-18320-01), and St. Joseph's Hospital (NRC License No. 47-35590-01). The NRC staff used the guidance provided by the NRC's Office of Nuclear Material Safety and Safeguards' "Checklist to provide a basis for confidence that radioactive materials will be used as specified on the application," January 29, 2019 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. Therefore, for security purposes, West Virginia University Medical Corporation d/b/a University Health Associates (UHA) is considered a known entity because its employed physicians, faculty, and providers provide professional services to WVUHS, which is the parent company to many NRC licensees.

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 47-25572-01. 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 Janice Nguyen at (610) 337-5006 or via electronic mail at janice.nguyen@nrc.gov.

Thank you for your cooperation in this matter.

Sincerely,

Janice Nguyen, Senior Health Physicist
Medical and Licensing Assistance Branch
Division of Radiological Safety and Security
Region I

License No. 47-25572-01
Docket No. 030-35785
Mail Control No. 634331

cc: C. Kelly Stoneberg, Ohio Medical Physics Consulting, LLC

H. JAMES STANTON, M.D., ACCEPTANCE OF NOTIFICATION OF TRANSFER OF CONTROL, MAIL CONTROL NO. 634331 DATED MARCH 14, 2023

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