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March 12, 2024

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

U.S. NRC Region I
Regional Administrator
475 Allendale Rd., Suite 102
King of Prussia, PA 19406-1415

Re: Reply to a Notice of Violation

To Whom It May Concern:

This letter refers to a Notice of Violation (“**NOV**”) issued to Davis Medical Center (the “**Licensee**”), dated February 14, 2024, identified as Docket Number 030-29484 and pertaining to License Number 47-24864-01 (the “**License**”).

The NOV states that the Licensee violated 10 CFR 30.34(b)(1) on December 1, 2023 when the License was transferred indirectly through a change of control to Monongalia Health System, Inc. dba Vandalia Health North, without notifying and without receiving consent in writing from the U.S. Nuclear Regulatory Commission (“**NRC**”). The Licensee submits this response to the NOV pursuant to 10 CFR 2.201 and as directed by the NRC in the NOV.

Pursuant to a Member Substitution Agreement (the “**Definitive Agreement**”) by and between Monongalia Health System, Inc. dba Vandalia Health North (“**VHN**”) and Davis Health System, Inc. (“**DHS**”), dated October 4, 2023, VHN became the sole corporate member of DHS. DHS is the sole corporate member of Davis Memorial Hospital, a West Virginia non-profit corporation, which owns and operates Davis Medical Center in Elkins, West Virginia, which is the Licensee. For the avoidance of doubt, there was no change to the management and operational staff who control and conduct the activities covered by the License (the “**Licensed Program**”). In addition, there were no changes to the Licensed Program as a result of the transaction described in the Definitive Agreement (the “**Transaction**”). The Transaction closed on November 1, 2023.

The Licensee believed in good faith and on the advice of counsel that the Transaction did not constitute a transfer of control requiring notice to or the consent of the NRC. The Licensee now understands that the NRC does consider the Transaction to be a transfer of control. Therefore, on March 8, 2024, the Licensee submitted a post-hoc request for approval of an indirect transfer of control of the License electronically to R1DRSSMail.Resource@nrc.gov, and the original paper copy of the request was submitted by mail, post-dated March 10, 2024. A copy of the Licensee’s request is enclosed with this letter. In the future, if the Licensee undergoes any other transfer of control or makes any other changes to its name, licensed use, licensed materials,

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licensed location or persons responsible for licensed material, it will submit a request to amend the license prior to the effective date of the change.

Thank you for your consideration of this response. If you have any questions or require any additional information, please contact Brienne Marco, Esq., at (304) 720-4060 or bmarco@spilmanlaw.com.

Sincerely,



Vance M. Jackson
President and Chief Executive Officer
Davis Memorial Hospital

