



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

April 11, 2024

Brienne Marco, Attorney, Vandalia Health North
Legal Counsel
Davis Memorial Hospital
dba Davis Medical Center
P.O. Box 1484
Elkins, WV 26241-1484

**SUBJECT: DAVIS MEMORIAL HOSPITAL, REQUEST FOR ADDITIONAL INFORMATION,
MAIL CONTROL NO. 639970**

Dear Brienne Marco:

This is in reference to the letter dated March 8, 2024, requesting to amend NRC License No. 47-24864-01. In order to continue our review, we need the following additional information:

1. In licensee communications with the NRC, including in person during the NRC's inspection on December 20, 2023 (Joseph Dibacco, Director of Radiology) as well as a letter January 5, 2024 (Apryl Strother, System Director, Corporate Compliance and Policy), and an email dated January 29, 2024 (Edward Phillips, Chief Legal Officer and Corporate Secretary), the change in the corporate membership of Davis Health System was consistently represented as having occurred on December 1, 2023. This was the basis for the date quoted in Violation A of the NRC's Notice of Violation dated February 14, 2024. In the letter dated March 8, 2024, the change in the control of the licensee was stated as having occurred on November 1, 2023. Please clarify this apparent discrepancy.
2. In preparing to proceed with the licensing action, a public posting must be completed by the NRC. In order to proceed with this posting, the NRC must confirm the public availability of the application or else create a redacted, publicly available version. Please review and confirm the absence of proprietary information or Personally Identifiable Information (PII) in the amendment request dated March 8, 2024. In particular, please further confirm that the contact information for the Radiation Safety Officer quoted in Exhibit B are part of the individual's professional identify and not part of the individual's personal contact information (and thus required to be protected as PII). If any information is claimed to be proprietary information or PII, please specifically identify the applicable information and provide an accompanying justification consistent with 10 CFR 2.390.
3. The NRC is aware of other NRC or Agreement State radioactive materials licenses under the nominal control of Monongalia Health System, Inc. These include, but are not limited to: Charleston Area Medical Center (CAMC) (NRC License No. 47-15473-01), CAMC Greenbrier Valley Medical Center, Inc. (NRC License No. 47-17199-01), CAMC Cardiology – Beckley (NRC License No. 47-30903-01), CAMC Plateau Medical Center Inc. (NRC License No. 47-25469-01), and CAMC Cancer Center - Beckley (NRC License No. 47-31304-02). Please confirm the NRC's understanding is correct and that

these licenses are under the control of Monongalia Health System, or else make corrections to this list (additional facilities need not be provided). If none of these licenses are under the control of Monongalia Health Systems, please identify one or more NRC or Agreement State radioactive materials licenses under the control of Monongalia Health Systems.

4. The amendment request also addressed the matter of the correct name of the legal entity of the hospital itself. This was identified during the in-office review following the December 20, 2023, inspection, as the entity was variously named as "Davis Medical Center" (as identified on the NRC license) as well as "Davis Memorial Hospital." The letter dated March 8, 2024, requested a name change consistent with previous conversations with the NRC, however the letter did not provide any context with regards to the change-of-control. To clarify, the name change is in response to a previous condition that existed prior to the change-of-control and is not being changed as a result of the change-of-control. No response is required for this item unless the above is inconsistent with your understanding.

We will continue our review upon receipt of this information. Please reply to my attention at:

R1DRSSMail.Resource@nrc.gov

Reference – Jason vonEhr

Mail Control No. 639970

In order to continue prompt review of your application, we request that you submit your response to this letter within 30 calendar days from the date of this letter.

An electronic version of the NRC's regulations is available on the NRC Web Site at: www.nrc.gov. Additional information regarding medical uses of radioactive materials may be obtained on the NRC Web Site at: <http://www.nrc.gov/materials/miau/med-use-toolkit.html>. This site also provides the updated Training and Experience NRC Form 313A series of forms and guidance, as well as information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web Site at: <http://www.nrc.gov/reading-rm/adams.html>. Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

If you have any questions regarding this request for additional information, please contact me at (610) 337-5256 or via electronic mail at Jason.vonEhr@nrc.gov.

Thank you for your cooperation.

Sincerely,

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

License No. 47-24864-01
Docket No. 030-29484
Mail Control No. 639970

cc:

Joseph Dibacco, Director of Radiology, Davis Memorial Hospital
Patrick Brown, M.D., Radiation Safety Officer
Edward Phillips, Chief Legal Officer and Corporate Secretary, Vandalia Health North
Apyl Strother, System Director Corporate Compliance and Privacy

DAVIS MEMORIAL HOSPITAL, REQUEST FOR ADDITIONAL INFORMATION, MAIL CONTROL NO. 639970 DATED April 11, 2024

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SUNSI Review Complete: JEV

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NAME	Kelli Trotter		Michael Wutkowski		Jason vonEhr			
DATE	04/08/2024		04/11/2024		04/11/2024			

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