

**SAFETY EVALUATION REPORT  
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE  
NUMBER 24-32566-01, FULTON MEDICAL CENTER, LLC d/b/a CALLAWAY  
COMMUNITY HOSPITAL**

**DATE:** May 27, 2015

**DOCKET NO.:** 030-36912

**LICENSE NO.:** 24-32566-01

**LICENSEE:** Fulton Medical Center, LLC d/b/a Callaway Community Hospital  
10 South Hospital Drive  
Fulton, MO 65251

**TECHNICAL REVIEWER:** Vered A. Shaffer

**SUMMARY AND CONCLUSIONS**

Callaway Community Hospital is authorized by NRC License 24-32566-01 for the possession and use of byproduct material for purposes of diagnostic nuclear medicine studies. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed the change of control for the direct license transfer submitted by Callaway Community Hospital that results from a joint venture with Nueterra and the University of Missouri Health Systems to purchase Callaway Community Hospital from Sunlink Health Systems. The new legal name for the facility is Fulton Medical Center, LLC d/b/a Callaway Community Hospital. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML15121A901.

The change of control was reviewed and verified by NRC staff for direct change of control of a 10CFR Part 30 license using the guidance in NUREG 1556, Volume 15, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated November 2000. The NRC staff finds that the information submitted by Fulton Medical Center, LLC d/b/a Callaway Community Hospital sufficiently describes and documents the transaction and commitments made by Sunlink Health Systems and Nueterra and University of Missouri Health Systems.

As required by 10 CFR 30.34 and section 184 of the Atomic Energy Act of 1954, as amended (the Act), NRC staff has reviewed the application and finds that the proposed change of control is in accordance with the Act. The staff finds that, after the change of control, Fulton Medical Center, LLC d/b/a Callaway Community Hospital, will remain qualified to use byproduct material for the purpose requested, and will continue to have the equipment, facilities, and procedures needed to protect public health and safety, and promotes the security of licensed material.

**SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Web-Based Licensing System, Callaway Community Hospital has been an NRC licensee since April 15, 2005. The NRC conducted a main office inspection of Fulton Medical Center, LLC d/b/a Callaway Community Hospital on July 13, 2011, and no violations were identified during this inspection. The commitments made

by Nueterra and University of Missouri Health Systems state that Fulton Medical Center, LLC d/b/a Callaway Community Hospital (License No. 24-32566-01):

- 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; and
- E. will keep regulatory required surveillance records and decommissioning records.

Therefore, for security purposes, Nueterra and University of Missouri Health Systems are considered a known entities following 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 license', September 3, 2008 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.

Fulton Medical Center, LLC d/b/a Callaway Community Hospital is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 24-32566-01.

## **REGULATORY FRAMEWORK**

Callaway Community Hospital's License No. 24-32566-01, was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The Commission is required by 10 CFR 30.34 to determine if the change of control is in accordance with the provisions of the Act and give its consent in writing.

10 CFR 30.34(b) 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. As discussed in NUREG-1556, Volume 15, NRC is generally using the term "change of control" rather than the statutory term "transfer" to describe the variety of events that could require prior notification and written consent of the NRC. The central issue is whether the authority over the license has changed. Callaway Community Hospital's notification for change of control describes a direct change of control resulting from a planned sale between Sunlink Health Systems and Nueterra and the University of Missouri Health Systems, and, as such, the transfer requires NRC consent.

## **DESCRIPTION OF TRANSACTION**

The transaction is described in ADAMS accession number ML15121A901. After completion of the sale, Fulton Medical Center, LLC d/b/a Callaway Community Hospital will continue as the licensee and remain in control of all licensed activities under Materials License No. 24-32566-01. The NRC staff finds that notification of change of control adequately provides a complete and clear description of the transaction, and is consistent with the guidance provided in Appendix F of NUREG-1556, Volume 15.

## **TRANSFeree'S COMMITMENT TO ABIDE BY THE TRANSFEROR'S COMMITMENTS**

The NRC staff finds that the information submitted by Fulton Medical Center, LLC d/b/a Callaway Community Hospital sufficiently describes and documents the commitments made by Sunlink Health Systems and Nueterra and the University of Missouri Health Systems], and is consistent with the guidance in NUREG-1556, Volume 15.

## **ENVIRONMENTAL REVIEW**

An environmental assessment for this action is not required since this action is categorically excluded under 10 CFR 51.22(c)(14)(xi).

## **CONCLUSION**

The staff has reviewed the notification of change of control submitted by both parties with regard to a direct change of control of byproduct materials license No. 24-32566-01 and approves the application pursuant to 10 CFR 30.34(b).

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; And, in the future, will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the staff concludes that the proposed change 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.