

SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL OF BYPRODUCT MATERIALS LICENSE
NUMBER 47-18080-01, Stonewall Jackson Memorial Hospital Company

DATE: January 31, 2018

DOCKET NO.: 030-14445

LICENSE NO.: 47-18080-01

LICENSEE: Stonewall Jackson Memorial Hospital Company
230 Hospital Plaza
Weston, West Virginia 26452-8558

TECHNICAL REVIEWER: Janice Nguyen, Senior Health Physicist, Region I

SUMMARY AND CONCLUSIONS

Stonewall Jackson Memorial Hospital Company, the full legal name for Stonewall Jackson Memorial Hospital, is authorized by NRC License 47-18080-01 for the possession and medical use of byproduct material for diagnostic imaging studies permitted by 10 CFR 35.100 and 35.200 at 230 Hospital Plaza, Weston, West Virginia. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to an indirect license transfer submitted by Stonewall Jackson Memorial Hospital that resulted from an affiliation involving Monongalia Health System, Inc. (MHS) and Stonewall Jackson Memorial Hospital Company (SJMHC), both of which are West Virginia non-profit corporations. Effective October 1, 2017, MHS became the sole member of Stonewall Jackson Memorial Hospital Company and became its parent company. The affiliation notwithstanding, SJMHC is and will continue to be a separate legal entity and will remain the licensee, owner, and operator of the hospital in Weston, WV, and the provider of health care services. The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML17319A425. The ADAMS package consists of the following agency documents: letter dated November 3, 2017, with attachments (ML17319A426), Note to File dated November 16, 2017, with attachments (ML17332A403), and letter dated December 6, 2017 (ML18008A205).

The licensee's request for consent to an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2 and following the guidance provided in the NRC's Regulatory Issue Summary 2014-08. No comments were received from members of the public.

The request for consent was reviewed by NRC staff for an indirect transfer of control of a 10 CFR Part 30 license using the guidance in NUREG-1556, Volume 15, Rev. 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated June 2016. The NRC staff finds that the information submitted by Stonewall Jackson Memorial Hospital Company and Monongalia Health System, Inc. sufficiently describes and documents the transaction and commitments made by the both parties.

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 transfer of control is in accordance with the Act. The staff finds that, after the transfer of control, Stonewall Jackson Memorial Hospital Company 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 to promote the common defense and security.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Web Based Licensing system, Stonewall Jackson Memorial Hospital Company has been an NRC licensee since October 16, 1978. The NRC conducted an inspection at the Weston, West Virginia location on April 30, 2013, and no violations were identified. The commitments made by Stonewall Jackson Memorial Hospital Company and Monongalia Health System, Inc. state that there will be:

- A. no change to the radiation safety officer listed on the NRC licenses;
- B. no change in personnel involved in licensed activities;
- C. no change in the locations, facilities, and equipment authorized in the NRC license;
- D. no change in the radiation safety program authorized in the NRC license; and
- E. no change in the organization's name listed in the NRC license.

Further, the licensee will maintain required surveillance records and decommissioning records as required by NRC regulations.

MHS is the sole member of Monongalia County General Hospital Company (MGH), both of which are West Virginia nonprofit corporations. MGH operates an acute care hospital and related facilities located in Morgantown, West Virginia. MHS is the parent company of Monongalia General Hospital, an NRC licensee since March 21, 1975. MHS is also the sole member of Preston Memorial Hospital Corporation (Preston Memorial), which operates a critical access hospital and related facilities in Kingwood, West Virginia. Preston Memorial Hospital has been an NRC licensee since January 6, 1976. For security purposes, MHS is considered a known entity following the guidance provided by the NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) '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.

Stonewall Jackson Memorial Hospital Company is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-18080-01, as outlined by 10 CFR 30.35.

REGULATORY FRAMEWORK

Stonewall Jackson Memorial Hospital Company's License No. 47-18080-01 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 transfer 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, Rev. 1. Stonewall Jackson Memorial Hospital's request for consent describes an indirect transfer of control and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The indirect transfer of control is described in ADAMS package accession number ML17319A425. The ADAMS package consists of the following agency documents: letter dated November 3, 2017, with attachments (ML17319A426), Note to File dated November 16, 2017, with attachments (ML17332A403), and letter dated December 6, 2017 (ML18008A205). After completion of the sale, Stonewall Jackson Memorial Hospital Company will continue as the licensee and remain in control of all licensed activities under Materials License No. 47-18080-01. The NRC staff finds that the request for consent adequately provides a complete and clear description of the transaction and is consistent with the guidance provided in Appendix E of NUREG-1556, Volume 15.

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

The NRC staff finds that the information submitted by Stonewall Jackson Memorial Hospital Company and Monongalia Health System, Inc. sufficiently describes and documents the commitments made by both parties 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)(21).

CONCLUSION

The staff has reviewed the request for consent submitted by the licensee with regard to an indirect transfer of control of byproduct materials license No. 47-18080-01 and consents to the transfer pursuant to 10 CFR 30.34(b).

Consistent with the guidance in NUREG-1556, Volume 15, the submitted information sufficiently describes the transaction; documents the understanding of the license and commitments of the transferee; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; and provides that, in the future, the transferee will abide by all existing commitments on the license.

Therefore, the staff concludes that the proposed transfer 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.