

JACKSONKELLY^{PLLC}

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J-3

February 1, 2019

Via Overnight Courier

U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Blvd., Suite 100
King of Prussia, PA 19406-2713

REC RG 1 02 04 19 AM 10:05

RE: Transfer of Control Application
Community Health Association d/b/a Jackson General Hospital,
Material License No. 47-17058-01 03012119

To whom it may concern:

Enclosed with this letter is the Transfer of Control Application submitted on behalf of Community Health Association d/b/a Jackson General Hospital and West Virginia University Hospitals, Inc. related to the change of control of Material License No. 47-17058-01. The projected closing date for the transaction further described in this application is April 30, 2019.

If you have any questions or concerns, please contact me at (304) 340-1185.

Very Truly Yours,

Rachel D. Ludwig / ydp

Rachel D. Ludwig

RDL/jlk
Enclosure

February 1, 2019

U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Blvd., Suite 100
King of Prussia, PA 19406-2713

RE: Community Health Association d/b/a Jackson General Hospital,
Material License No. 47-17058-01

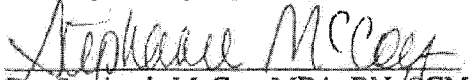
To whom it may concern:

The purpose of this letter is to advise you of the intention of West Virginia University Hospitals, Inc. ("WVUH") to replace the existing membership to become the sole member of Community Health Association d/b/a Jackson General Hospital ("JGH"), a member-based non-profit corporation (the "WVUH Transaction"). In accordance with 10 C.F.R. §§ 30.34 and 70.36, JGH and WVUH jointly request the consent of the Nuclear Regulatory Commission ("NRC") to the change of control of Material License No. 47-17058-01 from JGH to WVUH. The projected closing date for this transaction is April 30, 2019.

Enclosed with this letter is the Information Needed for Transfer of Control Application. Following the WVUH Transaction, JGH will continue operation under the same name and there will be no changes to the licensee, personnel, use or location of the devices. WVUH will abide by all constraints, conditions, requirements, representations and commitments of the current owner.

If you have any questions or concerns, please contact JGH's representative, Stephanie McCoy, at (304) 373-1477, or WVUH's counsel, Rachel D. Ludwig, at (304) 340-1185.

COMMUNITY HEALTH ASSOCIATION
D/B/A JACKSON GENERAL HOSPITAL


By: Stephanie McCoy, MBA, RN, CCM
Its: President/CEO

WEST VIRGINIA UNIVERSITY
HOSPITALS, INC.

By: Albert L. Wright, Jr.
Its: President and CEO

February 1, 2019

U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Blvd., Suite 100
King of Prussia, PA 19406-2713

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Material License No. 47-17058-01

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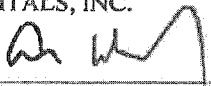
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COMMUNITY HEALTH ASSOCIATION
D/B/A JACKSON GENERAL HOSPITAL

By: Stephanie McCoy, MBA, RN, CCM
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HOSPITALS, INC.


By: Albert L. Wright, Jr.
Its: President and CEO

**COMMUNITY HEALTH ASSOCIATION
D/B/A JACKSON GENERAL HOSPITAL
License No. 47-17058-01**

**Information Needed for Transfer of Control Application
to Transfer License to West Virginia University Hospitals, Inc.**

Include a contact name and either U.S. Nuclear Regulatory Commission (NRC) regional office or Headquarters telephone numbers for follow-up information, as required.

**NRC Region: Region I
Telephone: 304-373-1528**

**Contact: Steve Radabaugh
Fax: 304-373-1543**

Definitions:

Control: Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and, thus, the direction of the activities under the license.

Transferee: A transferee is an entity that proposes to purchase or otherwise gain control of an NRC-licensed operation.

Transferor: A transferor is an NRC licensee selling or otherwise giving up control of a licensed operation.

Information Needed for Transfer of Control

Licensees must provide full information and obtain NRC's *prior written consent* before transferring control of the license. Provide the following information concerning changes of control by the applicant (transferor and/or transferee, as appropriate). If any items are not applicable, so state.

1. Describe any planned changes in the organization, including but not limited to, transfer of stocks or assets and mergers, change in members on Board of Directors, etc. Provide the new licensee name, mailing address, and contact information, including phone numbers. Clearly identify when the amendment request is due to a name change only.

Community Health Association d/b/a Jackson General Hospital and West Virginia University Hospitals, Inc. plan to enter into an Agreement and Plan of Affiliation at a date to be determined, but no later than April 30, 2019 (the "Agreement"), whereby the parties agree that West Virginia University Hospitals, Inc. will become the sole member of Community Health Association d/b/a Jackson General Hospital, a member-based non-profit corporation. The anticipated closing date is April 30, 2019. Under the terms of the Agreement, Community Health Association d/b/a Jackson General Hospital will be required to obtain approval by the NRC for the change of control in the licensed nuclear material to West Virginia University Hospitals, Inc.

The name of the transferee is: Community Health Association d/b/a Jackson General Hospital. The licensee will remain Community Health Association d/b/a Jackson General Hospital.

The mailing address and contact information for the transferee will remain the same and is:

Mark Younis, M.D.,
P.O. Box 720, Ripley, West Virginia 25271-0720
304-550-7745
wvusports@hotmail.com

See attached pre- and post-transaction organizational charts showing the corporate structure of the license holder.

2. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel and any changes in the training program.

No changes to personnel. The Radiation Safety Officer for the activities authorized by this license will remain the same—Mark Younis, M.D. See attached JGH NRC License which indicates that Mark Younis, M.D. is the current Radiation Safety Officer.

3. Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program.

There will be no changes in location, facilities, equipment, or procedures that relate to the licensed program. There will be no changes in the name of the licensee. The only change is the sole member of the licensee—West Virginia University Hospitals, Inc.

4. Describe the status of the licensee's facilities, equipment, and radiation safety program, including any known contamination and whether decontamination will occur prior to transfer. Include the status of calibrations, leak tests, area surveys, wipe tests, training, quality control, and related records.

All required surveillance has been performed, documented, and reviewed. See attached Perna Health Physics, Inc.'s Inspection Report and NRC's Safety Inspection Report and Compliance Inspection dated June 5, 2014.

5. If current decommissioning funding plans (DFP) will be changed as a result of the transfer, the revised DFP should be submitted. If other financial assurance documents will be changed as a result of the transfer, confirm that all financial assurance instruments associated with the license will be held in the transferee's name before the license is transferred, and as required by 10 CFR 30.35(f), the licensee must, within 30 days, submit financial instruments reflecting such changes.

Not applicable.

6. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.

Not applicable.

7. Confirm that both transferor and transferee agree to transferring control of the licensed material and activity, and the conditions of transfer, and that the transferee has been made aware of any open inspection items and its responsibility for possible resulting enforcement actions.

Community Health Association d/b/a Jackson General Hospital and West Virginia University Hospitals, Inc. agree to transferring control of the licensed material and activity, and the conditions of transfer. Community Health Association d/b/a Jackson General Hospital has made West Virginia University Hospitals, Inc. aware of any open inspection items and its responsibility for possible resulting enforcement actions.

8. Confirm that the transferee will abide by all constraints, conditions, requirements, representations, and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

West Virginia University Hospitals, Inc. will abide by all constraints, conditions, requirements, representations and commitments of Community Health Association d/b/a Jackson General Hospital.

9. The transferee, in the case of fuel cycle facilities, shall provide documentation showing that it is financially qualified to conduct normal operations. The information can be in the form of income statements and balance sheet forecasts.

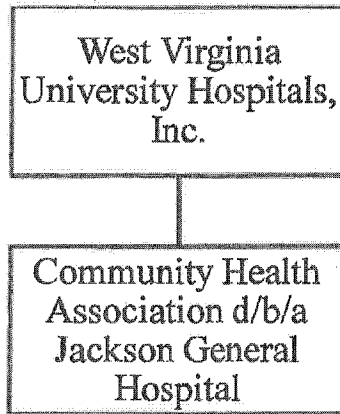
Not applicable.

Pre-Transaction Organizational Chart

Membership in the Association shall be the original incorporators and any and all persons, firms, associations or corporations evidencing a marked interest in the charitable, educational, scientific and benevolent purposes for the furtherance of which this Association is organized.

Community Health
Association d/b/a
Jackson General
Hospital

Post-Transaction Organizational Chart



MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	In accordance with the application dated August 13, 2012,
1. Jackson General Hospital	3. License number 47-17058-01 is amended in its entirety to read as follows:
2. P.O. Box 720 Ripley, West Virginia 25271-0720	4. Expiration date January 31, 2023
	5. Docket No. 030-12119 Reference No.

- | | | |
|---|----------------------------------|--|
| 6. Byproduct, source, and/or special nuclear material | 7. Chemical and/or physical form | 8. Maximum amount that licensee may possess at any one time under this license |
| A. Any byproduct material permitted by 10 CFR 35.100 | A. Any | A. As needed |
| B. Any byproduct material permitted by 10 CFR 35.200 | B. Any | B. As needed |

9. Authorized use:

- A. Any uptake, dilution and excretion study permitted by 10 CFR 35.100.
B. Any imaging and localization study permitted by 10 CFR 35.200.

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located on Pinnell Street near its intersection with Claylick Road, Ripley, West Virginia.
11. The Radiation Safety Officer for this license is Mark Younis, M.D.
12. Licensed material is only authorized for use by, or under the supervision of:
- A. Individuals permitted to work as an authorized user in accordance with 10 CFR 35.13 and 35.14.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
47-17058-01Docket or Reference Number
030-12119

Amendment No. 15

B. The following individuals are authorized users for medical use as indicated:

Authorized UsersMaterial and Use

Joseph L. Skeens, M.D.

35.100; 35.200

Mark Younis, M.D.

35.100; 35.200

13. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
14. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
15. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. Additionally, this license condition does not limit the licensee's ability to make changes to the radiation protection program as provided for in 10 CFR 35.26. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

A. Application dated August 13, 2012 (ML12249A336)

For the U.S. Nuclear Regulatory Commission

Date January 11, 2013

By 

Héctor Bermúdez
Medical Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406

Friday, January 11, 2013 13:25:33

Perna Health Physics, Inc.

705 Augusta Drive

Bridgeville, PA 15017

Telephone: (412) 551-9259

Fax: (412) 774-2225

E-mail: Calivox@AOL.com

Consultant's Report

Facility: Jackson General Hospital

Date of Visit: 24-Jan-19

Attention: Mark Younis, M.D., RSO

General Comments

1. Paperwork complete and in order.
2. Equipment is functioning acceptably
3. No personnel exceeded ALARA I to date in 2018; reviewed through November
4. Annual Audit was completed. It needs RSO and administrator signatures.
5. Policy and Procedure manual was reviewed with no changes recommended.

I have reviewed the information in this audit

Radiation Safety Officer

Date

Audit performed by:

**MARK T. PERNA,
M.S., DABR**

Digitally signed by MARK T. PERNA, M.S., DABR
DN: cn=MARK T. PERNA, M.S., DABR, o=eu,
email=markperna@mac.com, c=US
Date: 2019.01.24 08:49:47 -05'00'

Mark T. Perna, M.S., DABR

Certified Diagnostic Radiology and Medical Nuclear Radiological Physicist

Quarterly Nuclear Medicine Audit

I. Documentation

1. Postings are current and posted

NRC form 3 or equivalent	Pass
Regulations referenced	Pass
License/application location referenced or posted	Pass
Emergency procedures/notifications posted	Pass

2. Exposure reports reviewed; results reported Pass

3. Any changes to the radiation safety program or areas of RAM use No

Changes reported?	N/A
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4. RAM is secured or under surveillance at all times Pass

5. Routine Dose calibrator testing performed and acceptable

Geometry (upon installation and after repair)	Pass
Linearity (quarterly*)	Pass
Accuracy (annual)	Pass
Constancy (daily)	Pass

*Capintec 25R or 55 series linearity is annual per Capintec

6. Routine surveys (area and wipe) are performed Pass

7. Written directives were reviewed and found acceptable

35.300 procedures	N/A
35.400 procedures	N/A

8. Survey meter calibration is current and acceptable Pass

9. Patient logs were reviewed and found acceptable Pass

10. Waste logs are acceptable Pass

Perna Health Physics, Inc.

DOSE CALIBRATOR ACCURACY

Hospital: Jackson General Hospital
Model: CRC-25R
Serial Number: #253046
Date Conducted: 24-Jan-19

Radionuclide	Measured Activity (mCi)	Average Activity (mCi)	Calculated Activity (mCi)	Percent Error
Co-57	0.089	0.089	0.087	2.22%
	0.089			
	0.089			
Cs-137	0.1	0.100	0.096	4.32%
	0.100			
	0.100			

Trigger level = 10%

SOURCE INFORMATION

Sources used	Serial Number	Calibration Date	Calibration Activity (mCi)
Co-57	BM06057E14275116	19-Aug-14	5.460
Cs-137	218214B	27-Feb-86	0.205

MARK T. PERNA
M.S., DABR

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M.S., DABR
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c=US
Date: 2019.01.24 08:49:55 -05'00'

Perna Health Physics, Inc.

Radiation Safety Officer

Perna Health Physics, Inc.

Leak Test Certificate

Facility: Jackson General Hospital
Date: 24-Jan-19
By: MTP

Source ID	SN	Isotope	QTY (mCi)	Cal Date	Test Results
E-vial	BM06057E14275116	Co-57	5.46	19-Aug-14	<.005 uCi
E-Vial	218214B	Cs-137	0.205	27-Feb-86	<.005 uCi
Flood	BM07L10101727101	Co-57 Flood	10.000	25-Aug-17	<.005 uCi

Calibration Source Analysis

Counter: Caprac

Background (cpm)	
Co-57	Cs-137
353	353

	Isotope	DPM	Gross Ct	Efficiency	MDA
Efficiency:	Co-57	1050.20	1047	93.92%	93
	Cs-137	123538.54	28190	26.51%	110

Precision of measurements: 95% confidence level
All sources NIST traceable with +/- 5% accuracy

Sample Analysis

	SN	Isotope	CPM	DPM	uCi
Samples:	BM06057E14275116	Co-57	-60	-64	-2.88E-05
	218214B	Cs-137	-60	-226	-1.02E-04
	BM07L10101727101	Co-57 Flood	-60	-64	-2.88E-05

Precision of Measurements: 95% Confidence Level

MARK T. PERNA
M.S., DABR
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email=markperna@mac.com, c=US
Date: 2019.01.24 08:50:05 -05'00'

Perna Health Physics, Inc.

Radiation Safety Officer

Perna Health Physics, Inc.

Instrument QC

Facility: Jackson General Hospital
Date tested: 24-Jan-19

Well Counter Efficiency, Resolution and Chi-Squared

Instrument: Caprac

	Cs-137	Co-57
background	353	353
cpm:	28190	1047
dpm=	123538.54	1114.80
Efficiency =	26.51%	93.92%

Resolution: N/A

Chi-Squared Test

data	data
2819	2874
2799	2882
2829	2893
2909	2895
2847	2840
mean=	2859
$\sum (n-x)^2 =$	12310
chi-squared=	4.31

4.1 < Chi < 13.4

Evaluation: ok

Survey Meters

Meter	Calibration Date	Due	Battery	Ck Src Rding
14C 238128	6/8/18	6/8/19	ok	ok
14C 214775	7/2/18	7/2/19	ok	ok

MARK T.
PERNA, M.S.,
DABR

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M.S., DABR
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c=US
Date: 2019.01.24 08:50:14 -05'00'

Perna Health Physics, Inc.

Radioactive Material Inventory

Hospital: Jackson General Hospital

Date Conducted: 24-Jan-19

Manufacturer/	Calibration Act (mCi)	Calibration Date	Current Act (mCi)	Location
[REDACTED]	5.46	19-Aug-14	0.09	Hot Lab*
[REDACTED]	0.205	27-Feb-86	0.096	Hot Lab*
[REDACTED]	10	25-Aug-17	2.67	Hot Lab*
[REDACTED]	10	5-Oct-13	0.07	Hot Lab
[REDACTED]	5.59	25-Oct-12	0.02	Hot Lab
[REDACTED]				
[REDACTED]	5.5	4-Jan-95	0.00000000	Hot lab box
[REDACTED]	6	4-May-90	0.00000000	Hot lab box
[REDACTED]	0.308	1-Mar-79	0.00000000	Hot lab box
[REDACTED]	5.6	12-Mar-93	0.00000000	Hot lab box
[REDACTED]	3.12	15-Jul-87	0.00000000	Hot lab box
[REDACTED]	1.05	5-Sep-80	0.00000000	Hot lab box
[REDACTED]	3.1	19-Aug-81	0.00000000	Hot lab box
[REDACTED]	5.1	24-Feb-84	0.00000000	Hot lab box
[REDACTED]	3.02	27-Feb-86	0.00000000	Hot lab box
[REDACTED]	5.3	2-Sep-88	0.00000000	Hot lab box
[REDACTED]	0.335	1-Apr-77	0.00000000	Hot lab box
[REDACTED]	0.0098	15-Sep-78	0.00000000	Hot lab box
[REDACTED]	0.00285	23-Feb-83	0.00000000	Hot lab box
[REDACTED]	0.032	5-Feb-82	0.01362370	Hot lab box
[REDACTED]	0.0121	30-Apr-76	0.00450877	Hot lab box
[REDACTED]	0.009	1-Mar-79	0.00358050	Hot lab box
[REDACTED]	0.01			Hot lab box
[REDACTED]	0.09	mCi		
[REDACTED]	0.096	mCi		

*in use

Any questions should be directed to the undersigned.

MARK T. PERNA,

M.S., DABR

PERNA HEALTH PHYSICS, INC.

DN: cn=MARK T. PERNA, MS, DABR, o,
ou, email=markperna@mac.com, c=US
Date: 2019.01.24 08:50:26 -0500

Radiation Safety Officer

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Jackson General Hospital P.O. Box 720 Ripley, West Virginia 25271-0720 REPORT NUMBER(S) 2014001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713	
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3. DOCKET NUMBER(S) 030-12119	4. LICENSE NUMBER(S) 47-17058-01	5. DATE(S) OF INSPECTION 6/5/2014
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LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

☒ 1. Based on the inspection findings, no violations were identified.

☐ 2. Previous violation(s) closed.

☐ 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s) and corrective action(s):

☐ 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11. (Violations and Corrective Actions)

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	Robert Gallagher	<i>Robert D. Gallagher</i>	6/5/2014
BRANCH CHIEF			

SUNSI Review Completed By: RA



Public



Non-Sensitive



ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

Name and Address of Applicant and/or Licensee

Mark Younis, M.D.
Radiation Safety Officer
Jackson General Hospital
P.O. Box 720
Ripley, West Virginia 25271-0720

Date

February 14, 2019

License Number(s)

47-17058-01

Mail Control Number(s)

611337

Licensing and/or Technical Reviewer or Branch

Bob Gallagher

This is to acknowledge receipt of your: ☒ Letter and/or ☐ Application Dated: February 1, 2019

The initial processing, which included an administrative review, has been performed.

☒ Amendment ☐ Termination ☐ New License ☐ Renewal

☒ There were no administrative omissions identified during our initial review.

☐ This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

☐ Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>

Follow the instructions on the form for submission.

☐ The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

Region I
U. S. Nuclear Regulatory Commission
Division of Nuclear Materials Safety
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713
(610) 337-5260, (610) 337-5313,
(610) 337-5398, (610) 337-5239