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March 31, 2020

VIA ELECTRONIC MAIL

robert.gallagher@nrc.gov

Re: Wetzel County Hospital
Material License No. 47-18320-01
Transfer of Control Application

Dear Mr. Gallagher:

Because of the current work environment resulting from the COVID-19 pandemic, I am forwarding the enclosed Transfer of Control Application by electronic communication. The application is submitted on behalf of Wetzel County Hospital and Wetzel County Hospital, Inc. related to the change of control of Material License No. 47-18320-01. The projected effective date of the transfer is July 1, 2020.

If you have any questions or concerns, please feel free to contact me by email or phone.

Thank you,

/s/ Lindsay D. Petrosky

Enclosure
cc: Brienne Marco

WETZEL COUNTY HOSPITAL



3 East Benjamin Dr.
New Martinsville, WV 26155
304-455-8000

wetzelcountyhospital.com

March, 26, 2020

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

RE: Wetzel County Hospital,
Material License No. 47-18320-01

To whom it may concern:

The purpose of this letter is to advise you that Wetzel County Hospital, Inc. ("WCH") intends to assume the operations of Wetzel County Hospital (the "Hospital"), a county-owned hospital operated by Wetzel County Hospital Association, a West Virginia non-profit corporation ("WCHA"), and the Board of Trustees of Wetzel County Hospital (the "Board of Trustees"). WCH will lease the operations of the Hospital from WCHA and the Board of Trustees and will lease the properties and facilities of the Hospital from The County Commission of Wetzel County, West Virginia (the "Transaction"). In accordance with 10 C.F.R. §§ 30.34 and 70.36, the WCHA and WCH jointly request the consent of the Nuclear Regulatory Commission ("NRC") to the change of control of Material License No. 47-18320-01 from Wetzel County Hospital to Wetzel County Hospital, Inc. The Transaction is projected to close on July 1, 2020.

Enclosed with this letter is the Information Needed for the Transfer of Control Application. Following the Transaction, there will be no changes to the personnel, use, or location of the devices, but the licensee will change to Wetzel County Hospital, Inc. WCH will abide by all constraints, conditions, requirements, representations and commitments of the current owner.

If you have any questions or concerns, please contact WCH's representative, David Hess, M.D., at (304) 455-8114.

Wetzel County Hospital

David Hess, M.D.
President and CEO

WETZEL COUNTY HOSPITAL
License No. 47-18320-01
Information Needed for Transfer of Control Application
to Transfer License to Wetzel County Hospital, Inc.

NRC Region: Region I
Telephone: (304) 455-8114

Contact: David Hess, M.D.
Fax: (304) 455-4259

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

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.

The County Commission of Wetzel County, West Virginia, the Board of Trustees of Wetzel County Hospital, and Wetzel County Hospital Association, as lessors, and Wetzel County Hospital, Inc., as lessee, have entered into an Operating Lease and Agreement dated March 25, 2020 (the "Agreement"). Under the Agreement, Wetzel County Hospital, Inc. will assume operations of Wetzel County Hospital, a county-owned hospital operated by Wetzel County Hospital Association, a West Virginia non-profit corporation, and the Board of Trustees, and will lease the hospital facilities and properties owned by The County Commission of Wetzel County, West Virginia (the "Transaction"). The anticipated effective date of the Transaction is July 1, 2020. Additionally, upon closing of the Transaction, the Management Agreement dated October 1, 2018, by and between Wetzel County Hospital and West Virginia University Hospitals, Inc., which received post-hoc approval from the NRC by letter dated July 29, 2019, will be terminated. Under the terms of the Agreement, Wetzel County Hospital is required to obtain approval by the NRC for the change of control in the licensed nuclear material to Wetzel County Hospital, Inc.

**The name of the transferee is: Wetzel County Hospital, Inc.
The licensee will change from Wetzel County Hospital to Wetzel County Hospital, Inc.**

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

**Wetzel County Hospital, Inc.
3 East Benjamin Drive
New Martinsville, West Virginia 26155
Phone Number: 304-455-8000
Fax Number: 304-455-8078**

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—Dan Berkley. His contact information is Excelsa Health, 532 W. Pittsburgh St., Greensburg, PA 15601. Phone: 724-527-8085 Mr. Berkley's certificate is attached.

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. The only change is the name of the licensee—Wetzel County Hospital, 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 NRC's Safety Inspection Report and Compliance Inspection dated February 21, 2019, with an exit meeting on April 3, 2019.

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.

Wetzel County Hospital and Wetzel County Hospital, Inc. confirm that that all records concerning the safe and effective decommissioning of the facility will be transferred from Wetzel County Hospital to Wetzel County Hospital, Inc. or to NRC, as appropriate.

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.

Wetzel County Hospital and Wetzel County Hospital, Inc. agree to transferring control of the licensed material and activity, and the conditions of transfer. Wetzel County Hospital has made Wetzel County Hospital, Inc. aware of any open inspection items and its responsibility for possible resulting enforcement actions.

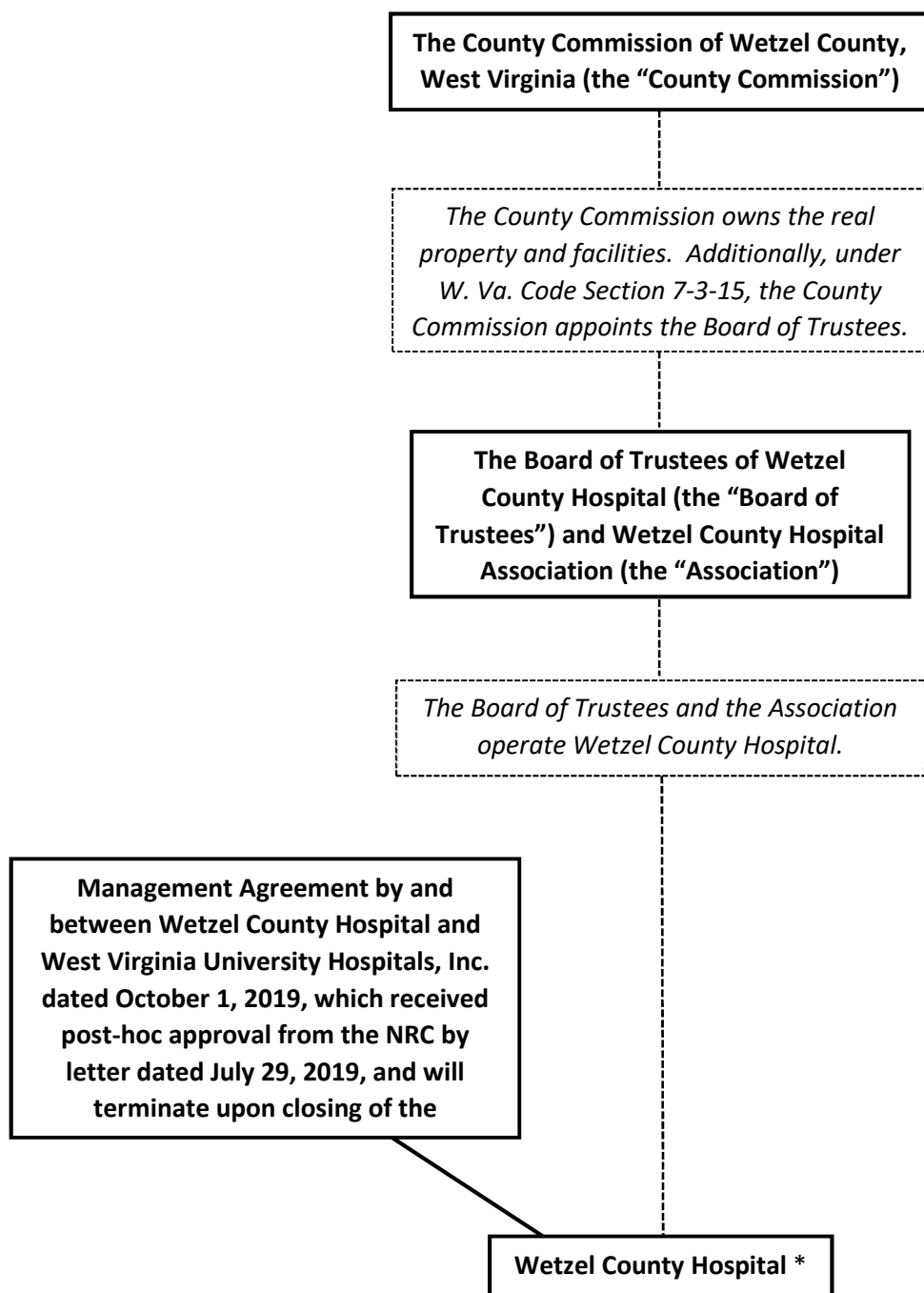
8. Confirm that the transferee will abide by all constraints, conditions, requirements, representations, and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

Wetzel County Hospital, Inc. will abide by all constraints, conditions, requirements, representations and commitments of Wetzel County 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.

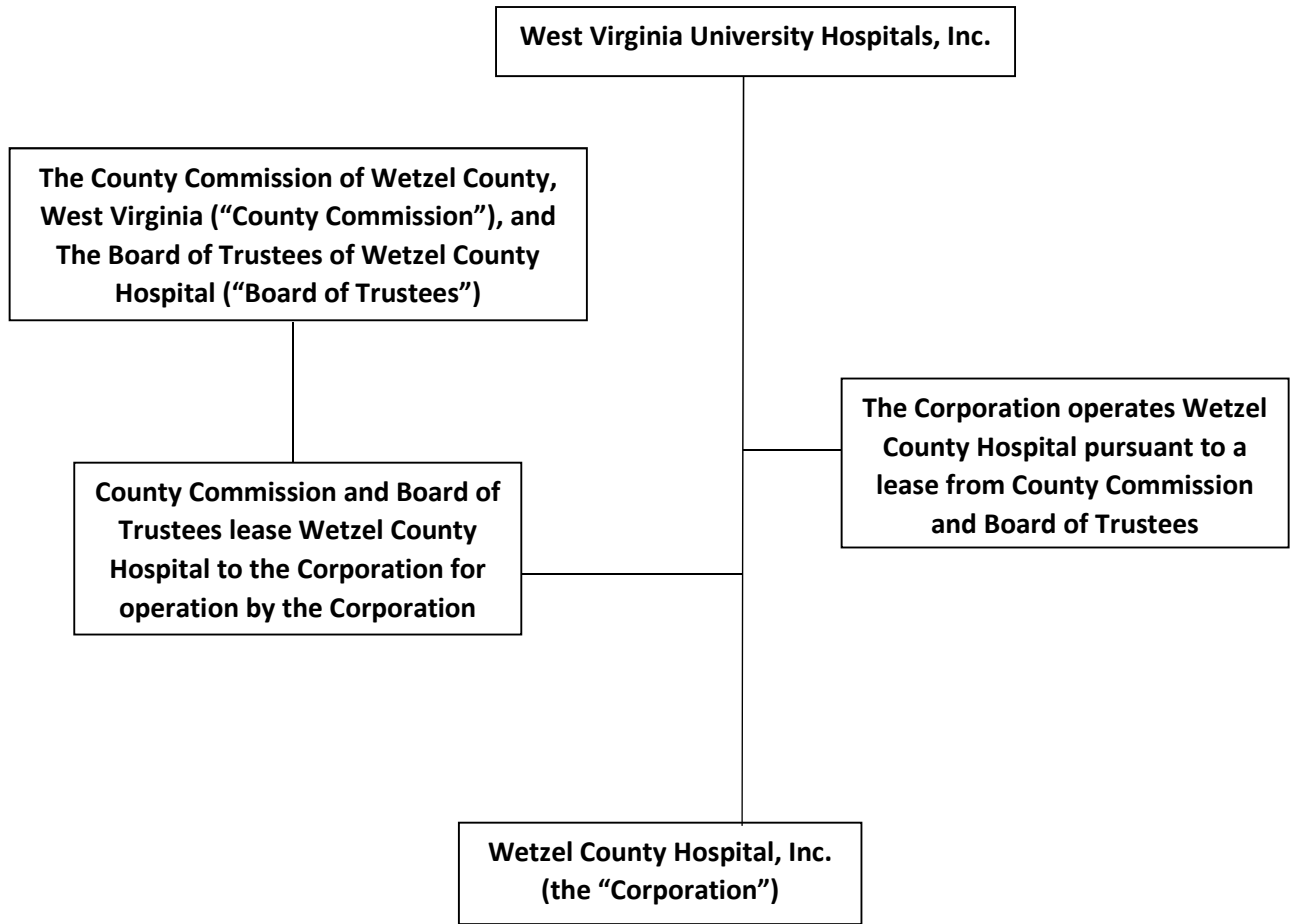
Not applicable.

PRE-TRANSACTION ORGANIZATIONAL CHART



* Wetzel County Hospital is the license holder of the NRC Material License No. 47-18320-01.

POST-TRANSACTION ORGANIZATIONAL CHART



NOTICE OF REGISTRATION

DANIEL A. BERKLEY

3035 BEN VENUE DRIVE
GREENSBURG, PA 15601

Registration Number

806018

- Shielding Design
- General Health Physics Consultant
- **MQSA Medical Physicist**
- Radiation Machine Evaluation

West Virginia Department of Health and Human Resources
Bureau for Public Health
Office of Environmental Health Services
Radiological Health Program
[64-CSR-23]

1/22/2021

Registration Expiration

Activities conducted under the authority of this registration must comply with the Radiological Health Rule, West Virginia Code of State Regulations, Title 64, Series 23



Walter M. Ivey, Director
Office of Environmental Health Services

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Wetzel County Hospital 3 East Benjamin Drive New Martinsville, West Virginia 26155 REPORT NUMBER(S) 2019001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713	
3. DOCKET NUMBER(S) 030-14841	4. LICENSE NUMBER(S) 47-18320-01	5. DATE(S) OF INSPECTION February 21, 2019, exit April 3, 2019	

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)

- 1. 10 CFR 20.1801 requires, in part, that the licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or restricted areas.

Contrary to the above, on February 21, 2019, Wetzel County Hospital did not secure from unauthorized removal or access licensed materials that were stored in controlled or restricted areas. Specifically, a Nuclear Medicine Technologist (NMT), when leaving to administer a stress dose in another location, left the hot lab door open and unsecured, which contained a used Tc-99 rest dose, waste materials, and sealed sources containing 0.5 uCi of Cs-137 and 10.2 mCi of Co-57.

(Continued)

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	Victoria Novick	<i>Victoria Novick</i>	4/15/2019
NRC INSPECTOR	Robin Elliott	<i>Robin Elliott</i>	4/15/2019
BRANCH CHIEF			

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Wetzel County Hospital 3 East Benjamin Drive New Martinsville, West Virginia 26155 REPORT NUMBER(S) 2019001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713	
3. DOCKET NUMBER(S) 030-14841	4. LICENSE NUMBER(S) 47-18320-01	5. DATE(S) OF INSPECTION February 21, 2019, exit April X, 2019	

(Continued)

This is a Severity Level IV violation (Enforcement Policy 6.7.d)

Corrective actions included the supervisor reiterating with the NMT that the hot lab must be secured anytime it is not supervised.

2. 10 CFR 30.34(b)(1) requires that 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.

Contrary to the above, on October 1, 2018, Wetzel County Hospital underwent a transfer of control of the NRC radioactive materials license to another entity before the Commission found that the transfer was in accordance with the provisions of the Act and gave its consent in writing. Specifically, Wetzel County Hospital entered into a management agreement with West Virginia University Hospitals, Inc. (WVUH) which provides for CEO services and support to Wetzel County Hospital.

This is a Severity Level IV violation (Enforcement Policy Example 6.3.d.7).

Corrective actions included submitting documentation for the transfer of control for NRC approval and giving a verbal commitment to notify the NRC in writing of any future transfers of control.

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.

<p style="text-align: center;">Licensee</p> <p>1. Wetzel County Hospital</p> <p>2. 3 East Benjamin Drive New Martinsville, West Virginia 26155</p>	<p>In accordance with the letter dated April 20, 2014,</p> <p>3. License number 47-18320-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date September 30, 2024</p> <hr/> <p>5. Docket No. 030-14841 Reference No.</p>
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- | | | |
|--|---|---|
| <p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Any byproduct material permitted by 10 CFR 35.100</p> <p>B. Any byproduct material permitted by 10 CFR 35.200</p> | <p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Any</p> | <p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. As needed</p> <p>B. As needed</p> |
|--|---|---|

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 at 3 East Benjamin Drive, New Martinsville, West Virginia
11. The Radiation Safety Officer for this license is Dan Berkley.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
47-18320-01Docket or Reference Number
030-14841

Amendment No. 17

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

<u>Authorized Users</u>	<u>Material and Use</u>
John F. Balzano, M.D.	35.100; 35.200
Mark L. Benson, M.D.	35.100; 35.200
Eric Roger Balzano, M.D.	35.100; 35.200
Vincent James Caruso, M.D.	35.100; 35.200
John L. DeFilippo, M.D.	35.100; 35.200
James Andrew Epling, M.D.	35.100; 35.200
Eric William Irwin, M.D.	35.100; 35.200
Carter A. Kenamond, M.D.	35.100; 35.200
Gary Loh, M.D.	35.100; 35.200
Thomas Neis, M.D.	35.100; 35.200
Michael L. Slaysman, M.D.	35.100; 35.200
Michael Joseph Maroney, 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."

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
47-18320-01Docket or Reference Number
030-14841

Amendment No. 17

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. Letter dated April 20, 2014 [ML14148A108]
B. Letter dated August 18, 2014 [ML14247A252]

For the U.S. Nuclear Regulatory Commission

Date September 8, 2014

By

Original signed by Robert L. GallagherRobert L. Gallagher
Medical Branch
Division of Nuclear Materials Safety
Region I

Monday, September 8, 2014 09:30:39



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

July 29, 2019

David Hess, CEO
Wetzel County Hospital
3 East Benjamin Drive
New Martinsville, West Virginia 26155

SUBJECT: WETZEL COUNTY HOSPITAL, CONSENT TO TRANSFER, MAIL CONTROL
NO. 611765

Dear Mr. Hess:

By the letter dated March 28, 2019 (ADAMS Accession Number ML19093B272), Wetzel County Hospital (WCH) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for consent for a transfer of control that constituted an indirect license transfer of NRC Material License No. 47-18320-01. Based on the information provided, the NRC understands that WCH entered into a management agreement with West Virginia University Hospitals, Inc. (WVUH). While, pursuant to the management agreement, the WCH Board of Trustees retains authority and responsibility for the governance and control of WCH, the management agreement has WVUH providing management services, including managing day-to-day affairs of WCH, effective October 1, 2018.

This was a request for post-hoc approval of an indirect transfer that resulted from a transaction that occurred on October 1, 2018, without receiving prior written consent from the Commission, as required by NRC regulations and the Atomic Energy Act of 1954, as amended. The NRC conducted an inspection on February 21, 2019 with an exit meeting on April 3, 2019 and issued two Severity Level IV violations: one for failure to secure, from unauthorized removal or access, licensed materials that are stored in a controlled or unrestricted area in accordance with 10 CFR 20.1801 and the other for failure to receive prior written consent for the indirect license transfer in accordance with 10 CFR 30.34(b)(1).

Based on the above understandings, as more fully detailed in the enclosed Safety Evaluation Report, which documents the NRC staff's review of the request, and in accordance with 10 CFR 30.34, the NRC consents to the transfer. Please note that since this transaction already occurred, no other action is required. If you have any questions regarding this letter, please contact Robin Elliott at (610) 337-5076 or by e-mail at robin.elliott@nrc.gov.

Future changes in the licensee's name, licensed use, licensed materials, licensed location, or persons responsible for licensed material require submission of a request to amend the license. NRC approval must be received *prior* to implementation of the proposed change.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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>.

Thank you for your cooperation.

Sincerely,



Robin Elliott, Health Physicist
Medical and Licensing Assistance Branch
Division of Nuclear Materials Safety
Region I

License No. 47-18320-01
Docket No. 030-14841
Mail Control No. 611765

Enclosure:
Safety Evaluation Report

cc: Daniel Berkley, Radiation Safety Officer

**SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 47-18320-01, WETZEL COUNTY HOSPITAL**

DATE: July 15, 2019

DOCKET NO.: 030-14841

LICENSE NO.: 47-18320-01

LICENSEE: Wetzel County Hospital
3 East Benjamin Drive
New Martinsville, West Virginia 26155

TECHNICAL REVIEWER: Robin Elliott

SUMMARY AND CONCLUSIONS

The Wetzel County Hospital (WCH) is authorized by U.S. Nuclear Regulatory Commission (NRC) License Number 47-18320-01 for the possession and use of byproduct material for the purpose of medical diagnosis. The NRC staff reviewed a request for consent to an indirect license transfer submitted by WCH. WCH entered into an agreement with West Virginia University Hospitals, Inc. (WVUH) to provide management services to manage the day to day affairs of WCH effective October 1, 2018. As part of the transaction, the Board of Trustees of WCH shall keep and retain all authority and responsibility for the governance and control of WCH.

This request is for post-hoc approval of an indirect license transfer that occurred on October 1, 2018 without receiving written consent from the Commission. The NRC conducted an on-site inspection of WCH on February 21, 2019 with an exit meeting on April 3, 2019, and issued a Severity Level IV violation for failure to receive prior written consent for indirectly transferring control of the license, in accordance with 10 CFR 30.34(b)(1). WCH submitted a letter dated March 28, 2019, requesting post-hoc consent to the indirect license transfer as corrective actions for the violation.

The indirect transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML19093B271 which includes a copy of the Management Agreement dated September 5, 2018 (ML19112A215), a letter dated March 28, 2019 (ML19093B272), an email dated April 10, 2019 (ML19109A167), and a letter dated May 23, 2019 (ML19175A220).

The licensee's request for consent to an indirect transfer of control 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 as 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 - Guidance About Changes of Control and About

Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," published June 2016. The NRC staff finds that the information submitted by WCH sufficiently describes and documents the transaction and commitments made by WCH and WVUH.

As required by 10 CFR 30.34 and section 184 of the Atomic Energy Act of 1954 (the Act), as amended, NRC staff has reviewed the application and finds that the proposed transfer of control is in accordance with the Act. The staff finds that following the transaction, WCH remains qualified to use byproduct material for the purpose requested, and will have the equipment, facilities, and procedures needed to protect public health and safety, and promote the common defense and security.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Licensing docket files, WCH has been authorized to use byproduct material for medical purposes since November 15, 1978. The NRC conducted a main office inspection of WCH on April 15, 2014, and no violations were noted. The NRC conducted a main office inspection of WCH on February 21, 2019, and one severity level IV violation of 10 CFR 20.1801 and one severity level IV violation of 10 CFR 30.34(b)(1) for not obtaining approval of their change of control prior to its occurrence was cited. Corrective actions were implemented before the end of the on-site inspection for the security violation and the change of control request for approval was submitted March 28, 2019. The commitments made by WCH and WVUH state that, absent NRC approval, WCH:

- A. will not change the radiation safety officer listed in the NRC license issued to WCH (License No. 47-18320-01);
- 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;
- E. will not change the organization's name listed in the NRC license; and
- F. will keep required surveillance records and decommissioning records.

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

WVUH is a non-profit tax-exempt corporation, organized and existing pursuant to the laws of the State of West Virginia, which owns and operates a tertiary, teaching medical center in Morgantown County, West Virginia. WVUH has entered into agreements with other NRC licensees in West Virginia to varying degrees of control including: United Hospital Center (NRC License No. 47-01458-01), Camden-Clark Memorial Hospital Corporation (NRC License No. 47-09772-02), Berkeley Medical Center (NRC License No. 47-15501-01), Reynolds Memorial Hospital (NRC License No. 47-08019-01), Potomac Valley Hospital (NRC License No. 47-21163-01), The Greenbrier Clinic (NRC License No. 47-25597-01), Braxton County Memorial Hospital (NRC License No. 47-31190-01), and Jefferson Memorial Hospital (added to NRC License No. 47-23066-02). WVUH has been a NRC licensee since April 9, 1985 (NRC License

No. 47-23066-02). Therefore, for security purposes WVHU is considered a known entity following the guidance provided by the NRC's "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.

WCH is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-18320-01. Under the management agreement with WVUH, all assets of the Hospital shall remain with WCH.

REGULATORY FRAMEWORK

License No. 47-18320-01 was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The NRC is required by 10 CFR 30.34(b) to determine if the transfer of control is in accordance with the provisions of the Act and, if so, give its consent to the transaction in writing.

10 CFR 30.34(b)(1) 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. The central issue is whether the authority over the license has changed. The WCH's request for consent describes an indirect transfer of control resulting from the management agreement established between WCH and WVUH. Following the implementation of the agreement, WVUH will supply management oversight of WCH. On the effective date of the agreement, October 1, 2018, WCH retained its name, and the ultimate operating and management control of the Board of Trustees will remain with WCH.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS package accession number ML19093B271 which includes the agreement dated September 5, 2018 (ML19112A215), a letter dated March 28, 2019 (ML19093B272), an email dated April 10, 2019 (ML19109A167), and a letter dated May 23, 2019 (ML19175A220). 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 WCH and WVUH sufficiently describes and documents the commitments made by the transferee, and is consistent with the guidance in NUREG-1556, Volume 15.

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required because this approval of the described transfer of control and the associated administrative license amendment are categorically excluded under 10 CFR 51.22(c)(21).

CONCLUSION

The staff has reviewed the request for transfer of control of byproduct materials License No. 47-18320-01 and, pursuant to 10 CFR 30.34(b), consents to the direct transfer of control.

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. The submitted information also demonstrates that the transferee will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the NRC 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.