

**SAFETY EVALUATION REPORT
PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 06-00253-04, HARTFORD HOSPITAL**

DATE: April 6, 2020

DOCKET NO.: 030-01239

LICENSE NO.: 06-00253-04

LICENSEE: Hartford Hospital
80 Seymour Street
Hartford, CT 06106

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

SUMMARY AND CONCLUSIONS

Hartford Hospital (HH) is authorized by U.S. Nuclear Regulatory Commission (NRC) Materials License No. 06-00253-04 for the possession and medical use of byproduct material for diagnostic and therapeutic procedures permitted by 10 CFR 35.100, 35.200, 35.300, 35.400, 35.500, 35.600, and 35.1000 at 80 Seymour Street in Hartford, Connecticut and its satellite facilities in Hartford, West Hartford, and Glastonbury, Connecticut. The NRC staff reviewed a post-hoc request for written consent to an indirect license transfer submitted by HH. This indirect transfer resulted from a transaction between HH and Hartford Healthcare Corporation (HHC), which occurred in 1985. Under the terms of the transaction, HH became a wholly owned subsidiary of HHC. The request for consent to the indirect transfer of control is available in Agencywide Documents Access and Management System (ADAMS) accession number ML20017A308.

This request was for post-hoc approval of an indirect license transfer that occurred in 1985 without receiving written consent from the Commission. The NRC conducted an on-site inspection of HH's main office and satellite locations on June 26-28, 2018 and cited two Severity Level IV violations. The NRC conducted a limited scope inspection of HH's main office on September 24, 2019 and identified no violations.

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: 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 HH and HHC sufficiently describes and documents the transaction and commitments made by 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 transfer of control is in accordance with the Act. The staff finds that HH remains qualified to use byproduct material for the purpose requested and continues 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 (WBL) system, HH has been a licensee of the NRC and its predecessor agency, the Atomic Energy Commission, since October 11, 1956. The NRC conducted an on-site inspection of HH's main office and satellite locations on June 26-28, 2018 and cited two Severity Level IV violations. The NRC conducted a limited main office inspection on September 24, 2019 and identified no violations. The commitments made by HH and HHC, regarding the indirect transfer of control, state that there will be:

- A. no change to the radiation safety officer listed in the NRC license;
- 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.

HHC, the ultimate parent company of HH, has subsidiaries that possess NRC materials licenses. The subsidiaries include MidState Medical Center (NRC License No. 06-00253-04), the Hospital of Central Connecticut (NRC License No. 06-05686-02), William W. Backus Hospital (NRC License No. 06-11734-02), Windham Community Memorial Hospital, Inc. (NRC License No. 06-15203-01), and Charlotte Hungerford Hospital (NRC License No. 06-08349-04). Therefore, for security purposes, HHC is considered a known entity 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," January 29, 2019 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.

HH is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 06-00253-04.

REGULATORY FRAMEWORK

HH's License No. 06-00253-04 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)(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, Revision 1. HH'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 accession number ML20017A308. After completion of the transaction between HH and HHC in 1985, HH continued as the licensee and remained in control of all licensed activities under Materials License No. 06-00253-04. 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, Revision 1.

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

The NRC staff finds that the information submitted by HH and HHC sufficiently describes and documents the commitments made by both parties and is consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required because 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. 06-00253-04 and consents to the transfer pursuant to 10 CFR 30.34(b).

Consistent with the guidance in NUREG-1556, Volume 15, Revision 1, 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.