



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

December 16, 2021

Christine Oskin, MBA, RT(R)(M)
Corporate Director, Medical Imaging
CAMC Cardiology - Beckley
1834 Harper Road
Beckley, WV 25801-3386

SUBJECT: CAMC CARDIOLOGY - BECKLEY, ACCEPTANCE OF NOTIFICATION OF
TRANSFER OF CONTROL, MAIL CONTROL NO. 627361

Dear Ms. Oskin:

By letter dated June 25, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21235A417), Raleigh Cardiology Clinic, PLLC submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to a direct transfer of control of NRC Materials License number 47-30903-01. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC consents to the transfer.

Raleigh Cardiology Clinic, PLLC (RCC) is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated June 25, 2021, RCC requested written consent to the direct transfer of control of its license from the NRC. Because the license was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," the NRC must find that the transfer is in accordance with the provisions of the AEA and, if so, must give its consent in writing prior to the transfer, in accordance with Section 184 of the AEA and 10 CFR 30.34(b). Additionally, the NRC staff reviewed the direct transfer of control request using the guidance in NUREG-1556, Volume 15, Revision 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.

10 CFR 30.34(b) states:

- (1) No license issued or granted pursuant to the regulations in [parts 30] 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.
- (2) An application for transfer of license must include:
 - (i) The identity, technical and financial qualifications of the proposed transferee; and

- (ii) Financial assurance for decommissioning information required by [10 CFR] 30.35.

As described in ADAMS package accession number ML21204A006, the direct transfer of control will result from the contract between RCC and Charleston Area Medical Center (CAMC) providing Dr. Karam a salary, transferring oversight of the regulatory program to CAMC's Radiation Safety Committee, and changing RCC's name to CAMC Cardiology – Beckley. Because the transfer of control occurred on 01/28/2021 and the request is dated June 25, 2021, this request was for approval of a direct license transfer, without receiving prior written consent from the Commission. The NRC staff finds that the licensee request adequately provides a complete and clear description of the proposed transaction, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1. The sufficiency of the description is evaluated below.

The request for a direct transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2, Subpart M and as described in NRC's Regulatory Issue Summary 2014-08, Revision 1. No comments were received from members of the public.

In the request for a direct transfer of ownership, RCC provided information regarding its current decommissioning funding plans. Based on the information provided, RCC is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license. The NRC staff finds that the licensee's request adequately provided information for financial assurance for decommissioning, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Further, the NRC conducted an inspection of RCC on 07/08/2020 at its 1834 Harper Road, Beckley, West Virginia facility. The NRC identified one severity level IV violation of 10 CFR 20.1802. RCC immediately implemented corrective actions to address the violation while the inspectors were still present.

Additionally, as described in its request, Charleston Area Medical Center commits that it:

- 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;
- E. will change the organization's name listed in the NRC license; and
- F. will keep regulatory required surveillance records and decommissioning records.

Based on these commitments, the NRC staff finds that the licensee request adequately documents the constraints, license conditions, requirements, representations, and commitments made by the transferee, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

CAMC, pursuant to an agreement and as detailed earlier, is providing management oversight to RCC. CAMC holds NRC license number 47-15473-01, authorizing the possession of by product material for diagnostic and therapeutic procedures. The NRC staff used 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 application," 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. Therefore, for security purposes, CAMC is considered a known entity because it holds a current NRC license.

An environmental assessment for this action is not required because this action is categorically excluded under 10 CFR 51.22(c)(21).

The staff has reviewed the request for a direct transfer of control of 47-30903-01. The NRC staff finds that the direct transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer.

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

In accordance with 10 CFR 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. If you have any questions regarding this letter, please contact Robin Elliott at (610) 337-5076 or via electronic mail at Robin.Elliott@nrc.gov.

Thank you for your cooperation in this matter.

Sincerely,

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

License No. 47-30903-01
Docket No. 030-36541
Mail Control No. 627361

cc: Jebran Karam, M.D.
Radiation Safety Officer
Kim Lowe, Pharm. D.
CAMC Associate Radiation Safety Officer

CAMC CARDIOLOGY - BECKLEY, ACCEPTANCE OF NOTIFICATION OF TRANSFER OF CONTROL, MAIL CONTROL NO. 627361 DATED December 16, 2021

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SUNSI Review Complete: RElliott

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