

**SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 47-21163-01, POTOMAC VALLEY HOSPITAL**

DATE: October 31, 2014

DOCKET NO.: 030-19861

LICENSE NO.: 47-21163-01

LICENSEE: Potomac Valley Hospital
100 Pin Oak Lane
Keyser, West Virginia 26726

TECHNICAL REVIEWER: Tara Weidner

SUMMARY AND CONCLUSIONS

Potomac Valley Hospital is authorized by NRC License No. 47-21163-01 for the possession and use of byproduct material under 10 CFR 35.100, 35.200, and 35.300. By letter dated March 4, 2014, Potomac Valley Hospital informed the U.S. Nuclear Regulatory Commission (NRC) that all of its shares of stock had been sold to West Virginia University Hospital, Inc. The NRC staff treated the notification as a request for NRC consent to the direct transfer of NRC License No. 47-21163-01 and initiated a review. As of March 1, 2014, Potomac Valley Hospital is wholly-owned by West Virginia University Hospital, Inc. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) accession number ML14241A482 and ML14267A446.

The request for consent was reviewed by NRC staff for a direct change in control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated November 2000. The NRC staff finds that the information submitted by Potomac Valley Hospital sufficiently describes and documents the transaction and commitments made by West Virginia University Hospitals, Inc. and Potomac Valley Hospital.

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 change in control is in accordance with the Act. The staff finds that, after the change of control, Potomac Valley Hospital 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 promotes the security of licensed material.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Licensing Tracking System (LTS), Potomac Valley Hospital has been an NRC licensee since November 8, 1982. The NRC conducted a main office inspection of Potomac Valley Hospital on August 26, 2014, and no violations were identified during this inspection. The commitments made by West Virginia University Hospitals, Inc. and Potomac Valley Hospital state that Potomac Valley Hospital (License No. 47-21163-01):

- 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 not change the organization's name listed in the NRC license; and
- F. will keep regulatory required surveillance records and decommissioning records.

West Virginia University Hospitals, Inc. possesses an active NRC license. License No. 47-23066-02 is a medical broad scope license, authorizing multiple medical modalities and research activities. Therefore, for security purposes, West Virginia University Hospitals, Inc. 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.

Potomac Valley Hospital is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 47-21163-01.

REGULATORY FRAMEWORK

Potomac Valley Hospital's License No. 47-21163-01 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 change 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. As discussed in NUREG-I 556, Volume 15, NRC is generally using the term "change of control" rather than the statutory term "transfer" to describe the variety of events that could require prior notification and written consent of the NRC. The central issue is whether the authority over the license has changed. Potomac Valley Hospital's request for consent describes a direct change of control resulting from a planned sale between Harold A McBee, Sr., the owner of all the issued and outstanding shares of capital stock of the Potomac Valley Hospital and West Virginia University Hospitals, Inc. and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession numbers ML14241A482 and ML14267A446. After completion of the transaction, Potomac Valley Hospital will continue as the licensee and remain in control of all licensed activities under Materials License No. 47-21163-01. 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 F of NUREG-1556, Volume 15.

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

The NRC staff finds that the information submitted by Potomac Valley Hospital sufficiently describes and documents the commitments made by West Virginia University Hospitals, Inc. and Potomac Valley Hospital, 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)(14)(xi).

CONCLUSION

The staff has reviewed the request for consent submitted by both parties with regard to an direct change of control of byproduct materials license No. 47-21163-01 and approves the application pursuant to 10 CFR 30.34(b).

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; and, in the future, will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the staff concludes that the proposed change in 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.