



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 E. LAMAR BLVD  
ARLINGTON TX 76011-4511

October 25, 2021

Rachel Bryant MBA, RN  
Chief Operating Officer  
Banner Health Wyoming Medical Center  
1233 East 2<sup>nd</sup> Street  
Casper, WY 82601

SUBJECT: WYOMING MEDICAL CENTER REQUEST FOR WRITTEN CONSENT TO A  
DIRECT LICENSE TRANSFER

By letter dated August 27, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Numbers ML21251A440), Wyoming Medical Center, submitted to the Nuclear Regulatory Commission (NRC) a request for written consent to a direct transfer of control of NRC license number 49-00152-02 to Banner Health Corporation that occurred on October 1, 2020. Wyoming Medical Center provided supplemental information in letter received October 14, 2021 (ADAMS ML21292A278). In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC determined that the change in control is not in accordance with the Act since the licensee completed a transfer of control of NRC License 49-00152-02 without receiving the Commission's consent in writing.

Wyoming Medical Center is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated August 27, 2021, Wyoming Medical Center requested written consent to a 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 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 direct change in control is not in accordance with the Act since the licensee completed a transfer of control of NRC License 49-00152-02 without receiving the Commission's consent in writing. Specifically, Wyoming Medical Center completed an acquisition and merger with Banner Health Corporation on October 1, 2020, without receiving prior NRC approval and consent in writing. This apparent violation of 10 CFR 30.34 will be evaluated in accordance with the NRC Enforcement Policy under a separate process. Notwithstanding the failure to notify the NRC in a timely manner of a change of control, the staff finds that, after the change of control, Banner Health Wyoming Medical Center, 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 in accordance with the Act.

After a review of ADAMS accession numbers ML21251A440 and ML21292A278, 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, Volume 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 reviewing the request for a direct transfer of ownership, the NRC staff determined Wyoming Medical Center 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, Volume 15, Revision 1. Further, the NRC conducted an inspection of Wyoming Medical Center on September 25, 2017, and no violations were identified.

Additionally, as described in its request, Banner Health Wyoming 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 from Wyoming Medical Center to Banner Health Wyoming Medical Center; 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, Volume 15, Rev. 1.

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, Banner Health Corporation, have provided sufficient information for the NRC to reach a basis for confidence that licensed material will be used as intended.

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 NRC license number 49-00152-02 and the licensee's submittal of additional information. 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.

Enclosed is amendment number 94 to NRC license number 49-00152-02 changing the company name and documenting the commitments made as a result of the transfer of control. 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>. You can contact me at 817-200-1189 if you have any questions regarding this letter.

Thank you for your cooperation.

Sincerely,

Roberto J. Torres, M.S., Senior Health Physicist  
Materials Licensing and Decommissioning Branch

Docket: 030-03495  
License: 49-00152-02  
Control: 628309

Enclosure: As stated