



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

November 3, 2021

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

SUBJECT: LICENSE AMENDMENT AND NOTICE OF VIOLATION 030-03495/2021-002

Dear Ms. Bryant:

This letter refers to the Nuclear Regulatory Commission's (NRC) review of the change of control and/or transfer of ownership that was submitted to the NRC Region IV office by Wyoming Medical Center in amendment request dated August 27, 2021, and supplemental information received by NRC on October 14, 2021. The change of control and/or transfer of ownership supporting documentation stated that Wyoming Medical Center completed an acquisition and merger with Banner Health Corporation, becoming Banner Health Wyoming Medical Center. The transfer of control is described in Agency Documents Access and Management System (ADAMS) Accession No. ML21251A440 and ML21292A278. In addition, the change of control and/or transfer of ownership documentation states that Banner Health Wyoming Medical Center agreed to abide by all statements, representations, procedures, conditions, and commitments made by Wyoming Medical Center. This direct change of control occurred October 1, 2020. An exit meeting was conducted with Bob Bellomy, Director of Imaging Services and Michael Fernald, Radiation Safety Officer, on October 25, 2021.

Based on the license amendment request dated August 27, 2021, and the supplemental information received by NRC on October 14, 2021, for the change of control and/or transfer of ownership, the NRC determined that one Severity Level IV violation of the NRC requirements occurred. The violation involved the failure to obtain the NRC's consent in writing prior to the change of control associated with radioactive materials License No. 49-00152-02. Licensees are expected to notify the NRC of a proposed change of control and/or transfer of ownership in a timely manner, allowing the NRC enough time to carry out its statutory mandate of ensuring that licensed materials are adequately secured, and that public health and safety and the environment are protected. This violation, and the detailed circumstances surrounding it, is cited in the enclosed Notice of Violation (NOV).

The NRC Enforcement Policy, Section 6.3.c.11, states that a failure to seek required NRC approval before the implementation of a significant change in licensed activities that has radiological or programmatic significance, such as a change in ownership, can be characterized as a Severity Level III violation. However, in this case, the change of ownership resulted in little or no adverse impact on radiological or programmatic activities or on the NRC's ability to inspect licensed activities, such that the locations and types of activities are unaffected by the

unauthorized license transfer. As a result, and in accordance with the NRC Enforcement Policy Section 6.3.d.7, the violation is categorized as a Severity Level IV.

You are required to respond to this letter and should follow the instructions specified in Information Notice 96-28 when preparing your response. For your convenience, "Suggested Guidance Relating to Development and Implementation of Corrective Action," can be found in the NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. If you have additional information that you believe the NRC should consider, you may provide it in your response to the NOV. The NRC review of your response to the NOV will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). Should you have any questions concerning this inspection, please contact Roberto J. Torres of my staff at 817-200-1189.

Thank you for your cooperation.

Sincerely,



Signed by O'Keefe, Cornelius  
on 11/04/21

Neil O'Keefe, Chief  
Materials Licensing & Decommissioning Branch  
Division of Nuclear Materials Safety

Docket No.: 030-03495  
License No.: 49-00152-02  
Control No.: 628309

Enclosure:  
Notice of Violation

## NOTICE OF VIOLATION

Banner Health Wyoming Medical Center  
Casper, WY

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

In a letter dated August 27, 2021, and supplemental information received by the NRC on October 14, 2021, for a change of control and/or transfer of ownership that occurred on October 1, 2020, a violation of the NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b)(1) requires, in part, that no license issued or granted pursuant to the regulations 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, 2020, the licensee transferred control of the NRC License 49-00152-02 without first receiving the Commission's consent in writing. Specifically, Wyoming Medical Center completed an acquisition and merger with Banner Health Corporation, becoming Banner Health Wyoming Medical Center, which constituted a change of control under 10 CFR 30.34(b)(1), prior to notifying the Commission and receiving consent.

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

Pursuant to the provisions of 10 CFR 2.201, Banner Health Wyoming Medical Center is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (NOV). We request you also email your response to [Mary.Muessle@nrc.gov](mailto:Mary.Muessle@nrc.gov). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this NOV, an Order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 3<sup>rd</sup> day of November 2021

LICENSE AMENDMENT AND NOTICE OF VIOLATION 030-03495/2021-002 DATED –  
NOVEMBER 3, 2021

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cc:

Rachel Bryant, Chief Operating Officer  
[rachel.bryant@bannerhealth.com](mailto:rachel.bryant@bannerhealth.com)

ADAMS ACCESSION NUMBER: ML21301A240

<input checked="" type="checkbox"/> SUNSI Review By: RJT	ADAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Sensitive <input checked="" type="checkbox"/> Non-Sensitive	<input type="checkbox"/> Non-Publicly Available <input checked="" type="checkbox"/> Publicly Available	Keyword NRC-002
OFFICE	DNMS/MLDB	ORA	C:MLDB	
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DATE	10/25/2021	11/1/2021	11/3/21	

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