



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

September 9, 2022

John Whiteside
Chief Executive Officer
Riverton Memorial Hospital
Dbas SageWest Health Care
1320 Bishop Randall Drive
Lander, WY 82520-3939

SUBJECT: RIVERTON MEMORIAL HOSPITAL, LLC REQUEST FOR WRITTEN CONSENT
TO INDIRECT LICENSE TRANSFER

Dear John Whiteside:

By letter dated November 18, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21333A236), Riverton Memorial Hospital, LLC submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to an indirect transfer of control of NRC Materials License number 49-17813-01. 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.

Riverton Memorial Hospital, LLC is authorized by the NRC for the possession and use of byproduct material under 10 CFR Part 30. By letter dated November 18, 2021, Riverton Memorial Hospital, LLC requested written consent to the indirect 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 indirect 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 indirect transfer of control is in accordance with the Act. As described in ADAMS package accession number ML21333A236, the indirect transfer of control resulted from a transfer of 100% of the equity interest of Riverton Memorial Hospital, LLC to Knight Health II, LLC (Knight Health). Riverton Memorial Hospital was previously a wholly owned subsidiary of LifePoint Health, Inc. (LifePoint) and LifePoint and its affiliates effected an internal reorganization that transferred 100% of the equity interest to Knight Health. Knight Health is an affiliate under common ownership with LifePoint.

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 an indirect 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 an indirect transfer of ownership, Riverton Memorial Hospital, LLC provided information regarding its current decommissioning funding plans. Based on the information provided, Riverton Memorial Hospital, LLC 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 Riverton Memorial Hospital, LLC on 06/07/2016. The NRC identified no violations.

Additionally, as described in its request, Knight Health II, LLC and Riverton Memorial Hospital, LLC commit 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 not 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.

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, the licensee has 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 an indirect transfer of control of license number 49-17813-01. The NRC staff finds that the indirect 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 28 to NRC license number 49-17813-01 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>. If you have any questions regarding this letter, please contact Casey Alldredge at 817-200-1546 or via electronic mail at casey.allredge@nrc.gov.

Sincerely,

Casey Alldredge, Health Physicist
Materials Licensing Branch

Docket: 030-13375
License: 49-17813-01
Control: 629317

Cc:

E. Jefferson Fairbanks, RSO
Riverton Memorial Hospital

Keith Holley, System Director Ancillary Services
Riverton Memorial Hospital

Gabriel Scott, Associate
K&L Gates LLP

Enclosure: As stated