



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

July 23, 2024

Joseph Caresio, M.D.
Radiation Safety Officer
Liberty Hospital
Nuclear Medicine Department
2525 Glenn Hendren Dr.
Liberty, MO 64608

SUBJECT: LIBERTY HOSPITAL, REQUEST FOR WRITTEN CONSENT TO DIRECT
LICENSE TRANSFER

Dear Dr. Caresio:

By letter dated May 16, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML24138A197), New Liberty Hospital District, d/b/a Liberty Hospital, submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to a direct transfer of control of U.S. NRC Materials License Number 24-16178-01. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and Title 10 of the *Code of Federal Regulations* (10 CFR) §30.34, the U.S. NRC consents to the transfer.

New Liberty Hospital District, d/b/a Liberty Hospital, is authorized by the U.S. NRC to possess and use byproduct material under 10 CFR Part 30. By letter dated May 16, 2024, New Liberty Hospital District, d/b/a Liberty Hospital, 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 ML24138A197, the New Liberty Hospital Corporation is a wholly owned subsidiary of New Liberty Hospital District, d/b/a Liberty Hospital, will be acquired by The University of Kansas Hospital Authority, d/b/a The University of Kansas Health System, through a Member Substitution Agreement, pursuant to which The University of Kansas Hospital Authority, d/b/a The University of Kansas Health System, will replace the New Liberty Hospital District, d/b/a Liberty Hospital, as the sole member of New Liberty Hospital Corporation. After the close of the transaction, it is anticipated that the licensee's name will be New Liberty Hospital Corporation, d/b/a Liberty Hospital. The NRC staff finds that the licensee's 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 U.S. NRC website for 30 days in accordance with 10 CFR Part 2, Subpart M, and as described in the U.S. 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 control, New Liberty Hospital District, d/b/a Liberty Hospital, provided information regarding its current decommissioning funding plans. Based on the information provided, New Liberty Hospital District, d/b/a Liberty Hospital, 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 New Liberty Hospital District, d/b/a Liberty Hospital, on September 15, 2023, at the licensee's facility in Liberty, Missouri. No violations were identified during the inspection.

Additionally, as described in its request, New Liberty Hospital Corporation, commits that it:

- A. will not change the radiation safety officer listed in the U.S. NRC license;
- B. will not change the personnel involved in licensed activities;
- C. will not change the locations, facilities, and equipment authorized in the U.S. NRC license;
- D. will not change the radiation safety program authorized in the U.S. NRC license;
- E. will keep regulatory required surveillance records and decommissioning records.

Based on these commitments, the NRC staff finds that the licensee's 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 University of Kansas Hospital Authority, d/b/a The University of Kansas Health System holds U.S. NRC Material License Numbers 24-32517-01 and Kansas Department of Health and Environment Radioactive Materials License Nos. 19-B434-01 and 19-B296-01, authorizing the possession of byproduct 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 U.S. NRC to obtain reasonable assurance from new license applicants or U.S. 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, New Liberty Hospital Corporation is considered a known entity because its Parent Company, University of Kansas Hospital Authority, d/b/a The University of Kansas Health System, holds multiple U.S. NRC and Agreement State Materials Licenses.

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 U.S. NRC Materials License Number 24-16178-01. The U.S. 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. Please note that you will need to notify us promptly, in writing, after the transaction has been finalized and include a signed copy of the sales agreement confirming completion of the transaction. If this planned sale has not been consummated within 30 days of the date of this letter, please notify us in writing.

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. U.S. 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's Public Document Room or from the Publicly Available Records component of the 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, you may contact Jason M. Kelly, MPH, Health Physicist, at (630) 829-9737 or via electronic mail at Jason.Kelly@nrc.gov.

Sincerely,

Jason M. Kelly, MPH, CPH
Health Physicist
Materials Licensing Branch

License No. 24-16178-01
Docket No. 030-10532
Control No. 640751