



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

July 28, 2022

Ms. Kelly Adams
Associate General Counsel
SCL Health

SUBJECT: HOLY ROSARY HEALTHCARE DBA HOLY ROSARY HOSPITAL REQUEST
FOR WRITTEN CONSENT TO AN INDIRECT LICENSE TRANSFER

Ms. Adams:

By letter dated January 31, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML22032A003), Holy Rosary Healthcare dba Holy Rosary Hospital (licensee) submitted to the Nuclear Regulatory Commission (NRC) a request for written consent to a proposed indirect transfer of control of NRC license number 25-23109-01 to Intermountain Health Care, Inc. 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 NRC consents to the transfer.

NRC license number 25-23109-01 authorizes the storage and use of any byproduct material permitted by 10 CFR 35.100 and 10 CFR 35.200 for use in uptake, dilution and excretion studies and imaging and localization studies in accordance with 10 CFR 35.100 and 10 CFR 35.200. By letter dated January 31, 2022, the licensee 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 accession number ML22032A003, the parent company of NRC licensee Holy Rosary Healthcare dba Holy Rosary Hospital, Sisters of Charity of Leavenworth Health System, Inc (SCL Health), will merge with Intermountain Health Care Inc. This transaction closed on April 1, 2022.

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 an indirect transfer of control 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 an indirect transfer of control, the NRC staff determined that the licensee is not required to have financial assurance for decommissioning based on the types and amounts of material authorized in NRC license number 25-23109-01. 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.

Additionally, as described in its request, Holy Rosary Healthcare dba Holy Rosary Hospital:

- A. commits that it will not change the radiation safety officer listed in the NRC license;
- B. commits that it will not change the personnel involved in licensed activities;
- C. commits that it will not change the locations, facilities, and equipment authorized in the NRC license;
- D. commits that it will not change the radiation safety program authorized in the NRC license;
- E. stated that the company name will change from Sinclair Wyoming Refining Company to Sinclair Wyoming Refining Company LLC; and
- F. commits that it 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, 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, 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 NRC license number 25-23109-01. 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 24 to NRC license number 25-23109-01 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>. You can contact me at 817-200-1189 if you have any questions regarding this letter.

Thank you for your cooperation.

Sincerely,

Casey Alldredge, Health Physicist
Materials Licensing Branch

Docket: 030-20264
License: 25-23109-01
Control: 629938

Enclosure: As stated