

**SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 06-30537-01, CONNECTICUT HEART & VASCULAR CENTER, PC**

DATE: September 5, 2013

DOCKET NO.: 030-35233

LICENSE NO.: 06-30537-01

LICENSEE: Connecticut Heart & Vascular Center, PC
2979 Main Street
Bridgeport, Connecticut 06606

TECHNICAL REVIEWER: Maryann Abogunde

SUMMARY AND CONCLUSIONS

Connecticut Heart & Vascular Center, PC (CTHVC) is authorized by NRC License 06-30537-01 for the possession and use of byproduct material for purposes of imaging and localization studies permitted by 10 CFR 35.200 at 2979 Main Street, Bridgeport, Connecticut. The U.S. Nuclear Regulatory Commission (NRC) staff received a request for consent to a direct license transfer submitted by Connecticut Heart & Vascular Center, PC that resulted from a sale between Connecticut Heart & Vascular Center, PC and PriMed, LLC, a multispecialty medical group. In addition, the licensee requested to change the licensee name to PriMed, LLC d/b/a Connecticut Heart & Vascular Center, PC. Effective January 1, 2012, the assets of CTHVC were transferred by a General Assignment and Bill of Sale to PriMed, LLC. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) accession numbers ML13186A096, ML13247A703 and ML13247A776.

The request for consent was reviewed by NRC staff as a direct change in control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," dated November 2000. The NRC staff finds that the information submitted by Connecticut Heart & Vascular Center, PC and PriMed, LLC sufficiently describes and documents the transaction and commitments made by both parties.

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 proposed change in control is in accordance with the Act. The staff finds that, after the change of control, the facilities at 2979 Main Street, Bridgeport, Connecticut and the new location at 112 Quarry Road, Suite 400, Trumbull, Connecticut, now operated by PriMed, LLC d/b/a Connecticut Heart & Vascular Center, PC, 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 promote the security of licensed material.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Licensing Tracking System (LTS), Connecticut Heart & Vascular Center, PC has been an NRC licensee since November 5, 1999, with then licensee name, Cardiac Associates of Southern Connecticut, P.C. The NRC conducted a main office inspection of CTHVC on June 23, 2010 and no violations were identified during this inspection. The commitments made by PriMed, LLC and Connecticut Heart & Vascular Center, PC (License No. 06-30537-01) state the following:

- A. The PriMed, LLC d/b/a Connecticut Heart & Vascular Center, PC will not change the Radiation Safety Officer (RSO) listed in the NRC license and the RSO will oversee the location at 2979 Main Street, Bridgeport, Connecticut and the new location at 112 Quarry Road, Suite 400, Trumbull, Connecticut;
- B. PriMed, LLC d/b/a CTHVC will not change the personnel involved in licensed activities;
- C. PriMed, LLC d/b/a CTHVC will not change the locations, facilities, and equipment authorized in the NRC license;
- D. PriMed, LLC d/b/a CTHVC will not change the radiation safety program authorized in the NRC license;
- E. The locations at 2979 Main Street, Bridgeport, Connecticut and 112 Quarry Road, Suite 400, Trumbull, Connecticut will be known as PriMed, LLC d/b/a Connecticut Heart & Vascular Center, PC; and
- F. PriMed, LLC d/b/a CTHVC will keep regulatory required surveillance records and decommissioning records.

PriMed, LLC is a multispecialty medical group that has brought in several established medical practices over the years, and does not possess an NRC license. Effective January 1, 2012, assets including the CTHVC NRC license were transferred by a General Assignment and Bill of Sale to PriMed, LLC. Connecticut Heart & Vascular Center, PC transferred substantially all of its assets other than cash and accounts receivable to PriMed, LLC, and all of their physicians became associated with PriMed, LLC. PriMed, LLC has a management representative, also Radiation Safety Officer and authorized user, who is currently associated with CTHVC, an NRC licensee. Therefore, for security purposes, PriMed, LLC is considered a known entity following the guidance provided by the NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) 'Checklist to provide a basis for confidence that radioactive materials will be used as specified on the license', September 3, 2008 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.

PriMed, LLC d/b/a Connecticut Heart & Vascular Center, PC is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 06-30537-01.

REGULATORY FRAMEWORK

Connecticut Heart & Vascular Center, PC's License No. 06-30537-01, was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The Commission is required by 10 CFR 30.34 to determine if the change of control is in accordance with the provisions of the Act and give its consent in writing.

10 CFR 30.34(b) states: "No license issued or granted pursuant to the regulations in this part and parts 31 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."

As previously indicated, the staff evaluation is based on guidance in NUREG-1556, Volume 15. As discussed in NUREG-1 556, Volume 15, NRC is generally using the term "change of control" rather than the statutory term "transfer" to describe the variety of events that could require prior notification and written consent of the NRC. The central issue is whether the authority over the license has changed. Connecticut Heart & Vascular Center, PC's request for consent describes a direct change of control that resulted from a planned sale between Connecticut Heart & Vascular Center, PC and PriMed, LLC. Following the completion of the sale and transfer, the location at 2979 Main Street, Bridgeport, Connecticut and the new location at 112 Quarry Road, Suite 400, Trumbull, Connecticut will become locations of use for PriMed, LLC d/b/a Connecticut Heart & Vascular Center, PC, and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession numbers ML13186A096, ML13247A703 and ML13247A776. After completion of the sales, the location at 2979 Main Street, Bridgeport, Connecticut and the new location at 112 Quarry Road, Suite 400, Trumbull, Connecticut will become locations of use for PriMed, LLC d/b/a CTHVC under Materials License No. 06-30537-01. There will be no termination taking place as PriMed, LLC does not possess an NRC license. The NRC staff finds that the request for consent adequately provides a complete and clear description of the transaction, and is consistent with the guidance provided in Appendix F of NUREG-1556, Volume 15.

TRANSFeree'S COMMITMENT TO ABIDE BY THE TRANSFEROR'S COMMITMENTS

The NRC staff finds that the information submitted by Connecticut Heart & Vascular Center, PC sufficiently describes and documents the commitments made by PriMed, LLC and Connecticut Heart & Vascular Center, PC, and is consistent with the guidance in NUREG-1556, Volume 15.

ENVIRONMENTAL REVIEW

An environmental assessment for this action is not required since this action is categorically excluded under 10 CFR 51.22(c)(14)(xi).

CONCLUSION

The staff has reviewed the request for consent submitted by both parties with regard to a direct change of control of byproduct materials license No. 06-30537-01 and approves the application pursuant to 10 CFR 30.34(b).

The submitted information sufficiently describes the transaction; documents the understanding of the license and commitments; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; And, in the future, will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the staff concludes that the proposed change in control would not alter the previous findings, made under 10 CFR Part 30, that licensed operations will not be inimical to the common defense and security, or to the health and safety of the public.