

SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 13-26691-01, NORTHWEST INDIANA CARDIOVASCULAR PHYSICIANS, P.C.

DATE: December 31, 2013

DOCKET NO.: 030-34025

LICENSE NO.: 13-26691-01

LICENSEE: Northwest Indiana Cardiovascular Physicians, P.C.
2000 Roosevelt Road
Valparaiso, IN 46383

TECHNICAL REVIEWER: Dennis P. O'Dowd

SUMMARY AND CONCLUSIONS

Northwest Indiana Cardiovascular Physicians, P.C. is authorized by NRC License No. 13-26691-01 for the possession and use of byproduct material for purposes of medical uses permitted by 10 CFR 35.100 and 35.200. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct license transfer submitted by Porter Physicians Services, LLC that resulted from a sale between Northwest Indiana Cardiovascular Physicians, P.C. and Porter Physician Services, LLC. Porter Physician Services, LLC acquired substantially all of the assets of Northwest Indiana Cardiovascular Physicians, P.C. The direct transfer of control is described in letter dated August 20, 2013 (Agency Documents Access and Management System (ADAMS) accession number ML13234A396), with additional documentation contained in letters dated October 8, 2013, and November 4, 2013.

The request for consent was reviewed by NRC staff for a direct change in control of a Title 10, Code of Federal Regulations (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 found that the information submitted by Porter Physician Services, LLC sufficiently described and documented the transaction and commitments made by Porter Physician Services, LLC and Northwest Indiana Cardiovascular Physicians, P.C.

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, Porter Physicians Services, LLC 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 promotes the security of licensed material.

SAFETY AND SECURITY REVIEW

According to data obtained from the NRC's Web-Based Licensing (WBL), Northwest Indiana Cardiovascular Physicians, P.C. has been an NRC licensee since December 29, 1995. The NRC conducted a main office inspection of Northwest Indiana Cardiovascular Physicians, P.C. on January 10, 2011, and no violations were identified during this inspection. The commitments

made by Porter Physician Services, LLC and Northwest Indiana Cardiovascular Physicians, P.C. state that Porter Physician Services, LLC:

- 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 keep regulatory required surveillance records and decommissioning records;
- F. will abide by all constraints, conditions, requirements and commitments of the transferor, Northwest Indiana Cardiovascular Physicians, P.C.

Porter Physician Services, LLC has specified that the legal name of the practice will become "Porter Physician Services, LLC," and the operating name of the practice will become "Porter Physician Group, Northwest Indiana Cardiovascular Physicians." Porter Physician Services, LLC is associated with several medical entities in Indiana, including Porter Regional Hospital, License No. 13-17073-01, authorized for materials and uses authorized by 10 CFR 35.100, 35.200, 35.300, 35.400, and 35.1000. Five of the Authorized Users listed for 35.200 materials and uses on License No. 13-26691-01, Northwest Indiana Cardiovascular Physicians, P.C., are listed for the same uses and materials on License No. 13-17073-01, Porter Regional Hospital. In addition, both entities share and are governed by the same Board of Directors. Therefore, for security purposes, Porter Physician Services, 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.

Northwest Indiana Cardiovascular Physicians, P.C. is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 13-26691-01.

REGULATORY FRAMEWORK

Northwest Indiana Cardiovascular Physicians, P.C.'s License No. 13-26691-01, 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-1556, 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. Porter Physician Services, LLC's request for consent describes a direct change of control resulting from the sale of Northwest Indiana Cardiovascular Physicians, P.C. to Porter Physicians Services, LLC, and as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession number ML13234A396. Since the sale of all assets on October 1, 2013, Porter Physician Services, LLC continues as the licensee and remains in control of all licensed activities under Materials License No. 13-26691-01. 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 Porter Physician Services, LLC sufficiently describes and documents the commitments made by Northwest Indiana Cardiovascular Physicians, P.C. and Porter Physician Services, LLC, 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)(21).

CONCLUSION

The staff has reviewed the request for consent submitted by both parties with regard to an direct change of control of byproduct materials license No. 13-26691-01 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.