

**SAFETY EVALUATION REPORT**  
**PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE**  
**NUMBER 13-32301-01, Cardiovascular Consultants of Marion, P.C.**

**DATE:** July 22, 2019

**DOCKET NO.:** 030-35639

**LICENSE NO.:** 13-32301-01

**LICENSEE:** Cardiovascular Consultants of Marion, P.C.  
1123 N Western Ave., Marion, Indiana 46952

**TECHNICAL REVIEWER:** Magdalena R. Gryglak, Materials Licensing Branch, Division of  
Nuclear Materials Safety

**SUMMARY AND CONCLUSIONS**

Cardiovascular Consultants of Marion, P.C. ("the transferor") is authorized by NRC License No. 13-32301-01 for the possession and use of byproduct material. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct license transfer submitted by the licensee that will result from the purchase by Lutheran Medical Group, LLC ("the transferee"). The direct transfer of control is described in letters dated May 29, 2019 and June 27, 2019 (Agency Documents Access and Management System (ADAMS) Accession Nos. ML19151A478 and ML19179A220, respectively).

The request for consent was reviewed by NRC staff for 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 June 2016. The NRC staff finds that the information submitted by the licensee sufficiently describes and documents the transaction and commitments made by the transferor and the transferee.

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 licensee 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 to promote the security of licensed material.

**SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Web Based Licensing System, Cardiovascular Consultants of Marion, P.C. has been an NRC licensee since January 31, 2001. The NRC conducted multiple inspections of Cardiovascular Consultants of Marion, P.C. During an inspection conducted on April 17, 2017, an NRC inspector identified a violation of 10 CFR 71.5(a) and 49 CFR 172.702 associated with the licensee's failure to provide the Department of Transportation hazmat training at the required frequency. During an inspection conducted on

January 24, 2012, an NRC inspector identified a violation of 10 CFR 20.1101(c) for the licensee's failure to perform an annual audit of the radiation safety program. The licensee took adequate corrective actions to address the violations.

The commitments made by the transferee and the transferor state that the transferee:

- 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; and
- E. will keep regulatory required surveillance records and decommissioning records.

In addition, for security purposes, because the transferee is Lutheran Medical Group, LLC, the transferee 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," January 29, 2019 revision (basis-for-confidence checklist). The purpose of the basis-for-confidence 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. Based on the information provided, Lutheran Medical Group, LLC is a wholly-owned subsidiary of Community Health Systems, Inc. Community Health Systems, Inc. owns and operates many hospitals nationwide including Dupont Hospital which holds an NRC License No. 13-32291-01.

The licensee is not required to have decommissioning financial assurance based on the types and amount of material authorized by License No. 13-32301-01.

## **REGULATORY FRAMEWORK**

Cardiovascular Consultants of Marion, P.C., License No. 13-32301-01, 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." The review was completed in accordance with NUREG 1556, Volume 15, and informed by 63 *Federal Register* 66721, "10 CFR Parts 2 and 51, RIN 3150-AG09, Streamlined Hearing Process for NRC Approval of License Transfers, Nuclear Regulatory Commission, Final Rule," dated December 3, 1998.

## **DESCRIPTION OF TRANSACTION**

In a letter dated May 29, 2019, Cardiovascular Consultants of Marion, P.C ("the transferor") notified the U.S. Nuclear Regulatory Commission that Lutheran Medical Group, LLC ("the transferee"), intends to purchase its assets by sale. The transaction is described in ADAMS Accession No. ML19151A478. Further, in a letter dated June 27, 2019, the transferee described the management structure of Lutheran Medical Group, LLC (ML19179A220). After the transferee purchases the transferor's assets, the transferee will remain in control of all licensed activities under License No. 13-32301-01, with no changes to key responsible personnel, licensed facilities, or equipment. 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 NUREG-1556, Volume 15, Revision 1.

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

The NRC staff finds that the commitments and information submitted by Cardiovascular Consultants of Marion, P.C and Lutheran Medical Group, LLC, under letters dated May 29, 2019, and June 27, 2019, are consistent with the guidance outlined in NUREG-1556, Volume 15, Revision 1.

## **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 Cardiovascular Consultants of Marion, P.C ("the transferor") and by Lutheran Medical Group, LLC ("the transferee"), with regard to a transfer of control of byproduct materials License No. 13-32301-01. The staff has found that the transfer of control has no significant impact on public health and safety. Accordingly, the staff approves the request for consent to a transfer of control pursuant to 10 CFR 30.34(b).

Submitted information sufficiently describes the transaction, and documents both the licensee and the transferee understanding of the license and commitments. Since the change in control does not affect licensed facilities or personnel directly involved in licensed activities, staff finds that the request demonstrates that the licensee personnel have experience and training sufficient to properly implement and maintain the license. The staff further finds that the licensee and the transferee have committed to maintain existing records, and abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15, Revision 1.

In accordance with the above analysis, the staff concludes that the change in control would not alter previous findings, that licensed operations will not be inimical to the common defense and security, or to the health and safety of the public.