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November 17, 2023

Via Email: (jonathan.pfingsten@nrc.gov)

Jonathan Pfingsten
Sr. Health Physicist
U.S. NRC Region I
475 Allendale Rd., Suite 102
King of Prussia, PA 19406-1415

**Re: Cardiology Physicians
USNRC Request for Additional Information
Mail Control No. 637677**

Dear Mr. Pfingsten:

Please find our responses to your Request for Additional Information contained within. I am simultaneously including attachments which address the requests from item #2.

1. The guidance document asks you to describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program. Your letter contained contradictory statements concerning whether operations currently occur and/or will continue at only two or all three of the locations authorized on the license following the transaction(s). Please provide additional information on the status of operations at 910 Foulk Road, Suite 201, Wilmington, DE, 19808. If you are requesting the location be removed from the license, provide the information requested in Form 314 (<https://www.nrc.gov/docs/ML1308/ML13083A079.pdf>) for this location only. Please note that the form is intended for requesting full license terminations, therefore, please provide just the information requested (e.g., cessation of activities, means of material transfer or disposal) for this location only without requesting license termination.

Cardiology Physicians, P.A. (“CPPA”) contracts with Molecular Imaging Services Inc. (“MIS”) to manage the PET scan services at CPPA’s location at One Centurion Drive, Suite 310, Newark, DE 19713 (“Abby”). MIS holds a Radioactive Material License at the Abby location in connection with the PET scan services for which it has contracted with CPPA. CPPA also holds a Radioactive Material License for the Abby and the 1401 Foulk Road, Suite 201, Wilmington DE 19803 location (“1401 Foulk Rd.”) for non-PET scan related services.

CPPA is moving from the 1401 Foulk Rd. location to 910 Foulk Road, Wilmington, DE 19803 (“910 Foulk Rd.”) on or around December 1, 2023. CPPA intends to maintain the 1401 Foulk Rd. location until the move. Once the move is complete, CPPA will complete Form 314 to remove 1401 Foulk Rd. from the locations listed on its license.

CPPA does not intend to add 910 Foulk Rd. to its Radioactive Material License, as MIS will manage all radioactive materials at the 910 Foulk Rd. location. CPPA will continue to manage non-PET scan related radioactive materials at the Abby location.

2. The guidance document asks you to describe the status of the licensee’s facilities, equipment, and radiation safety program, including any known contamination and whether decontamination will occur prior to transfer. Include the status of calibrations, leak tests, area surveys, wipe tests, training, quality control, and related records. Your application stated that “All surveillance has been performed, documented and reviewed on a timely basis” and that “No decommissioning or records transfers will be required as a result of the transaction.” However, this does not explicitly confirm what is meant by “surveillance”. Therefore, describe the status of the licensee’s radiation safety program, including any known contamination and whether decontamination will occur prior to transfer. Include the status of calibrations, leak tests, area surveys, wipe tests, training, quality control, and related records. Please note that many of these records are required to be maintained by regulations and will be reviewed in a future inspection.

CPPA’s surveillance program is current. CPPA reports no contamination events, and intends to perform a decontamination prior to transfer. Included with this submission are examples of the surveillance testing logs at CPPA, as well as a sample employee training. While the sample documents provided are from prior months, CPPA reports that they are up to date on all surveillance testing.

3. The proposed transaction involves a new individual purchasing a 100% stake in the CPPA, the owner of the license. In prior discussions, it was our understanding that the purchaser was a current member of the CPPA ownership; however, as described in your October 26, 2023, letter, he is not a current member of the CPPA ownership structure. Therefore, additional information is required concerning Dr. Aaron Snyder. Please confirm whether any of the following apply:

- a. Does the applicant or proposed new owner have a current Agreement State or NRC license for radioactive material? If so, please provide the license number and identify the jurisdiction in which the license is held.

CPPA will remain the licensee listed on the Radioactive Material license. Gaetano Pastore, M.D. and Anthony Clay, D.O. will remain as Authorized Users, and Gaetano Pastore M.D. will remain as the Radiation Safety Officer. The proposed new owner, Dr. Aaron Snyder, does not hold any known Agreement State or NRC license for

radioactive material. While the proposed new owner, Dr. Aaron Snyder does not hold any radioactive materials licenses, he is part owner and CEO of US Health Partners, LLC. US Health Partners, LLC manages two cardiology practices which hold radioactive materials licenses.

- b. Is the scope of the request limited to a change of control (e.g., direct transfer, indirect transfer) where the transferee: (1) holds either an Agreement State or NRC radioactive materials license; or (2) is the parent company to an entity that holds either an Agreement State or NRC radioactive materials license? If so, please provide the license number and identify the jurisdiction in which the license is held.

CPPA will remain the licensee listed on the Radioactive Material license. Gaetano Pastore, M.D. and Anthony Clay, D.O. will remain as Authorized Users, and Gaetano Pastore M.D. will remain as the Radiation Safety Officer. The proposed new owner, Dr. Aaron Snyder, does not hold any known Agreement State or NRC license for radioactive material. Dr. Snyder will not exercise any control over the radioactive materials.

- c. Is the applicant requesting an authorization for activities within the scope of existing operations for which it currently holds a non-radioactive material State or federal government license/registration/ authorization? If so, please provide the license number and identify the jurisdiction in which the license is held.

CPPA will remain the licensee listed on the Radioactive Material license. Gaetano Pastore, M.D. and Anthony Clay, D.O. will remain as Authorized Users, and Gaetano Pastore M.D. will remain as the Radiation Safety Officer. While the proposed new owner, Dr. Aaron Snyder does not hold any radioactive materials licenses, he is part owner and CEO of US Health Partners, LLC. US Health Partners, LLC manages two cardiology practices which hold radioactive materials licenses.

4. The proposed transactions include a management services agreement between the licensee and an entity ultimately owned by US Health Partners, LLC. Your submittal confirmed the parties expressly agree that such management will not interfere with the ultimate authority of Cardiology Physicians, P.A. (CPPA), soon to be Cardiology Physicians, LLC, in connection with the license. However, we need some additional information concerning the implementation of this agreement US Health Partners, LLC and the licensee.

- a. With respect to the roles and responsibilities of US Health Partners, LLC, please provide the following:

- i. Will US Health Partners, LLC be taking responsibility from CPPA for administration of all facility functions, for radiation safety activities, and for providing onsite management and/or continuing oversight of licensed activities?

No. CPPA will continue to remain responsible for these functions. US Health Partners, LLC would be limited to administrative assistance.

- ii. Will US Health Partners, LLC have the authority to request audits and receive audit reports instead of Dr. Aaron Snyder?

No. This authority for audits pertaining to the activities licensed under the Radioactive Materials license would remain with Dr. Pastore as Radiation Safety Officer. US Health Partners, LLC would be limited to administrative assistance.

- iii. Will US Health Partners, LLC have the responsibility for procedure development and implementation concerning NRC licensed activities?

No. Procedure development and implementation regarding NRC licensed activities would be directed by CPPA under the direction of Gaetano Pastore M.D. as the Radiation Safety Officer. US Health Partners, LLC would be limited to administrative assistance.

- iv. Will US Health Partners, LLC have the responsibility for records retention and reporting concerning NRC licensed activities?

No. CPPA would continue to manage record retention and reporting concerning NRC licensed activities under the direction of Gaetano Pastore M.D. as the Radiation Safety Officer. US Health Partners, LLC would be limited to administrative assistance.

- b. If the answer to any question(s) in 4.a above was “Yes”, please provide the following information for US Health Partners, LLC:

- i. Does the applicant or proposed new owner have a current Agreement State or NRC license for radioactive material? If so, please provide the license number and identify the jurisdiction in which the license is held.

N/A

- ii. Is the scope of the request limited to a change of control (e.g., direct transfer, indirect transfer) where the transferee: (1) holds either an

Agreement State or NRC radioactive materials license; or (2) is the parent company to an entity that holds either an Agreement State or NRC radioactive materials license? If so, please provide the license number and identify the jurisdiction in which the license is held.

N/A

- iii. Is the applicant requesting an authorization for activities within the scope of existing operations for which it currently holds a non-radioactive material State or federal government license/registration/authorization? If so, please provide the license number and identify the jurisdiction in which the license is held.

N/A

If you have any questions, please do not hesitate to contact either myself at esullivan@mcdonaldhopkins.com or Patrick Campbell at pcampbell@mcdonaldhopkins.com.

Very truly yours,



Elizabeth Sullivan