

**SAFETY EVALUATION REPORT  
PROPOSED TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE  
NUMBER 06-23559-01, MIDDLESEX CARDIOLOGY ASSOCIATES P.C.**

**DATE:** October 16, 2019

**DOCKET NO.:** 030-28939

**LICENSE NO.:** 06-23559-01

**LICENSEE:** Middlesex Cardiology Associates P.C.  
420 Saybrook Road  
Middletown, Connecticut 06457

**TECHNICAL REVIEWER:** Robert Gallagher, Health Physicist

**SUMMARY AND CONCLUSIONS**

Middlesex Cardiology Associates, Inc. is authorized by NRC License 06-23559-01 for the possession and use of byproduct material for the purpose of diagnostic imaging procedures permitted by 10 CFR 35.200. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed a request for consent to a direct license transfer submitted by Middlesex Cardiology Associates, Inc. (MCA) that had already occurred. The NRC understands that, on February 1, 2019, ownership was transferred to Hartford HealthCare Medical Group, Inc., a subsidiary of Hartford Healthcare Corporation (HHC). As such, control of Middlesex Cardiology Associates, P.C. was directly transferred to Hartford HealthCare Medical Group, Inc. (HHMG) and indirectly to Hartford HealthCare Corporation. We further understand that this transfer did not result in any changes to the licensed materials, persons using the licensed material, locations of use, or persons responsible for the radiation safety program. The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML19074A095. The ADAMS package consists of the following documents: letter dated February 25, 2019 (ML19074A096) and letter dated September 17, 2019 (ML19261C945).

The licensee's request for consent to a direct transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2 and following the guidance provided in the NRC's Regulatory Issue Summary 2014-08. No comments were received from members of the public.

The request for consent was reviewed by NRC staff for a direct transfer of control of a 10 CFR Part 30 license using the guidance in NUREG-1556, Volume 15, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific 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 MCA and HHMG sufficiently describes and documents the transaction and commitments made by all 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 direct transfer of control is in accordance with the Act. The staff finds that MCA, operating

under the name Hartford HealthCare Medical Group, 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 common defense and security.

## **SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Web Based Licensing system, Middlesex Cardiology Associates, Inc. has been an NRC licensee since October 28, 1985. The NRC conducted an inspection at the licensee's facility on May 17, 2017, and one Severity Level IV violation of NRC regulations was identified for the failure to perform and retain records of sealed source inventory for the years 2015 and 2016. The license transfer request was a request for after-the-fact approval of a direct license transfer that resulted from the transaction that occurred on February 1, 2019, without receiving prior written consent from the Commission beforehand, as required by NRC regulations and the Atomic Energy Act of 1954, as amended. This post-hoc license transfer request is an apparent violation of NRC requirements; enforcement is being pursued separately.

The commitments made by MCA and HHMG state that there will be:

- A. no change to the radiation safety officer listed on the NRC license;
- B. no change in personnel involved in licensed activities;
- C. no change in the locations, facilities, and equipment authorized in the NRC license; and
- D. no change in the radiation safety program authorized in the NRC license.

Further, the licensee will maintain required surveillance records and decommissioning records as required by NRC regulations.

Hartford Healthcare Corporation (HHC), a Connecticut non-stock corporation, has several subsidiary hospitals in the state of Connecticut, including Hartford Hospital (NRC License No. 06-00253-04), the Hospital of Central Connecticut (NRC License No. 06-02388-01), Backus Hospital (NRC License No. 06-11734-02), Mid State Medical Center (NRC License No. 06-05686-02), and Windham Community Memorial Hospital, Inc. (NRC License No. 06-15203-01). For security purposes, HHC is considered a known entity following the guidance provided by the NRC's Office of Nuclear Materials Safety and Safeguards' "Checklist to provide a basis for confidence that radioactive materials will be used as specified on the application," January 29, 2019. The purpose of this checklist is for the NRC to help assess whether reasonable assurance has been demonstrated 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.

Middlesex Cardiology Associates, P.C., is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 06-23559-01 as outlined by 10 CFR 30.35.

## **REGULATORY FRAMEWORK**

Middlesex Cardiology Associates, P. C. License No. 06-23559-01 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 transfer 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, Revision 1. Middlesex Cardiology Associates P.C.'s request for consent describes a direct transfer of control and, as such, the transfer requires NRC consent. As noted above, this transfer occurred without the required prior consent. This is an apparent violation of NRC requirements; enforcement is being pursued separately.

#### **DESCRIPTION OF TRANSACTION**

The direct transfer of control is described in (ADAMS) package accession number ML19074A095. The ADAMS package consists of the following documents: letter dated February 25, 2019 (ML19074A096) and letter dated September 17, 2019 (ML19261C945). After completion of the transaction, MCA personnel, under the name Hartford HealthCare Medical Group, as the licensee, will continue to conduct licensed activities under Materials License No. 06-23559-01. 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 E of NUREG-1556, Volume 15, Revision 1.

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

The NRC staff finds that the information submitted by Middlesex Cardiology Associates, P.C., Hartford HealthCare Medical Group, Inc., and Hartford Healthcare Corporation sufficiently describes and documents the commitments made by both parties and is consistent with the guidance 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)(21).

#### **CONCLUSION**

The staff has reviewed the request for consent submitted by the licensee with regard to a direct transfer of control of byproduct materials license No. 06-23559-01 and consents to the transfer pursuant to 10 CFR 30.34(b). Consistent with the guidance in NUREG-1556, Volume 15, Revision 1, the submitted information sufficiently describes

the transactions; documents the understanding of the license and commitments of the transferee; demonstrates that personnel have the experience and training to properly implement and maintain the license and that they will maintain the existing records; and provides that, in the future, the transferee will abide by all existing commitments on the license. Therefore, the staff concludes that the proposed transfer of control does 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.