

**SAFETY EVALUATION REPORT
PROPOSED CHANGE OF CONTROL FOR BYPRODUCT MATERIALS LICENSE
NUMBER 21-26715-01, JACKSON CARDIOLOGY ASSOCIATES, P.C.**

DATE: 12/19/2019
DOCKET NO.: 030-34118
LICENSE NO.: 21-26715-01
LICENSEE: Jackson Cardiology Associates, P.C.
205 Page Ave.
Jackson, MI 49201

TECHNICAL REVIEWER: Laura B. Cender

SUMMARY AND CONCLUSIONS

Jackson Cardiology Associates, P.C. is authorized by NRC License 21-26715-01 for the possession and use of byproduct material for purposes authorized 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 Jackson Cardiology Associates, P.C. resulting from a sale of the business. The transaction transferring control of the business was executed on June 27, 2019 and the business is now wholly owned by Tareq Baghal, M.D. under the company name Jackson Cardiology Consultants, PLLC.

The request for consent was reviewed by NRC staff for direct change in control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, Revision 1, "Consolidated Guidance About Materials Licenses - Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses." The NRC staff finds that the information submitted by Jackson Cardiology Associates, P.C. sufficiently describes and documents the transaction and commitments made by Jackson Cardiology Consultants, PLLC and Jackson Cardiology Associates, 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, Jackson Cardiology Consultants, PLLC will be qualified to use byproduct material for the purpose requested, and will 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 System (WBL) Jackson Cardiology Associates, P.C. has been an NRC licensee since 1996. The NRC conducted a main office inspection of Jackson Cardiology Associates, P.C. on September 6, 2017 and no violations were identified during this inspection. The commitments made by Jackson Cardiology Consultants, PLLC and Jackson Cardiology Associates, P.C. state that Jackson Cardiology Consultants PLLC:

- A. will not change the radiation safety officer listed in the NRC license;
- B. will request Tareq Baghal, M.D. be named as an Authorized User, but will not make changes to other 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 change the organization's name listed in the NRC license to Jackson Cardiology Consultants, PLLC; and
- F. will keep regulatory required surveillance records and decommissioning records.

Jackson Cardiology Consultants, PLLC is owned by Tareq Baghal, M.D. in entirety. Dr. Baghal is a board certified cardiologist, recertified for the nuclear cardiology subspecialty by the Certification Board of Nuclear Cardiology in 2019. Dr. Baghal is a licensed physician in the state of Michigan (License No. 4301092820) and has been affiliated with Jackson Cardiology Associates, P.C. since 2013. The purchase of Jackson Cardiology Associates, P.C. is a reasonable expansion of the existing medical practice. The previous owner of Jackson Cardiology Associates, P.C., Jashu Patel, M.D., will continue in his role as Radiation Safety Officer and as an Authorized User. Dr. Patel has been the Radiation Safety Officer for Jackson Cardiology Associates, P.C. since 1996 and has been inspected by the NRC several times. Jackson Cardiology Associates, P.C. was most recently inspected on September 6, 2019 and no violations of NRC requirements were identified.

Therefore, for security purposes, Jackson Cardiology Consultants, PLLC is considered a known entity following the guidance provided by the NRC's Office of Nuclear Materials Safety and Safeguards (NMSS) 'Checklist to provide a basis for confidence that radioactive materials will be used as specified on the application,' January 29, 2019 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.

Jackson Cardiology Consultants, PLLC is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 21-26715-01.

REGULATORY FRAMEWORK

Jackson Cardiology Associates, P.C.'s License No. 21-26715-01, 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, Revision 1. As discussed in NUREG-1556, Volume 15, Revision 1, 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. Jackson Cardiology Associates, P.C.'s request for consent describes a direct change of control resulting from a sale between Jackson Cardiology Associates, P.C. and Jackson Cardiology Consultants, PLLC and, as such, the transfer requires NRC consent.

DESCRIPTION OF TRANSACTION

The transaction is described in ADAMS accession number ML19210D669 and ML19353B656. 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 sufficiently describes and documents the commitments made by Jackson Cardiology Consultants, PLLC and Jackson Cardiology Associates, P.C. 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)(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. 21-26715-01 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, Revision 1.

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.