



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

May 18, 2021

Ethan Foxman, M.D.
Connecticut Imaging Partners, LLC
111 Founders Plaza, Suite 400
East Hartford, CT 06108

**SUBJECT: CONNECTICUT IMAGING PARTNERS, LLC REQUEST FOR WRITTEN
CONSENT TO INDIRECT LICENSE TRANSFER, MAIL CONTROL NO. 625391**

By letters dated October 13, 2020 and November 17, 2020, as supplemented by letter dated April 6, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Numbers ML20338A157 and ML21105A363), Connecticut Imaging Partners, LLC submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to an indirect transfer of control of NRC Materials License number 06-28502-01. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 30.34, the NRC consents to the transfer.

Connecticut Imaging Partners, LLC is authorized by the NRC for the possession and use of byproduct material under Part 30. Connecticut Imaging Partners, LLC requested written consent to the indirect transfer of control of its license from the NRC. Because the license was issued under 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," the NRC must find that the transfer is in accordance with the provisions of the AEA and, if so, must give its consent in writing prior to the transfer, in accordance with Section 184 of the AEA and 10 CFR 30.34(b). Additionally, the NRC staff reviewed the indirect transfer of control request 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," dated June 2016.

10 CFR 30.34(b) states:

- (1) No license issued or granted pursuant to the regulations in [parts 30] 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.
- (2) An application for transfer of license must include:
 - (i) The identity, technical and financial qualifications of the proposed transferee; and
 - (ii) Financial assurance for decommissioning information required by [10 CFR] 30.35.

As described in ADAMS package accession numbers ML20338A157 and ML21105A363, the indirect transfer of control will result from Radiology Partners, Inc. acquiring Mednax, which provides management services to Connecticut Imaging Partners, LLC. Additionally, Jefferson Radiology, P.C. is a co-owner of Connecticut Imaging Partners, and its owner, Dr. Kurt Pickert, intends to sell his equity interest to Dr. Anthony Gabriel. The NRC staff finds that the licensee request adequately provides a complete and clear description of the proposed transaction, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1. The sufficiency of the description is evaluated below.

The request for an indirect transfer of ownership was posted for public comment on the NRC website for 30 days in accordance with 10 CFR Part 2, Subpart M and as described in NRC's Regulatory Issue Summary 2014-08, Revision 1. No comments were received from members of the public.

In the request for an indirect transfer of ownership, Connecticut Imaging Partners, LLC provided information regarding its current decommissioning funding plans. Based on the information provided, Connecticut Imaging Partners, LLC is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license. The NRC staff finds that the licensee's request adequately provided information for financial assurance for decommissioning, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Further, the NRC conducted an inspection of Connecticut Imaging Partners, LLC on 02/13/2020 at its main office. The NRC identified four severity Level IV violations. Connecticut Imaging Partners, LLC submitted corrective and preventative actions to address the cited violations on May 29, 2020

Additionally, as described in its request, Radiology Partners commit that it:

1. will not change the radiation safety officer listed in the NRC license;
2. will not change the personnel involved in licensed activities;
3. will not change the locations, facilities, and equipment authorized in the NRC license;
4. will not change the radiation safety program authorized in the NRC license;
5. will not change the organization's name listed in the NRC license;
6. will keep regulatory required surveillance records and decommissioning records.

Based on these commitments, the NRC staff finds that the licensee request adequately documents the constraints, license conditions, requirements, representations, and commitments made by the transferee, consistent with 10 CFR 30.34(b) and Chapter 5 and Appendix E of NUREG-1556, Vol. 15, Rev. 1.

Radiology Partners is the parent company of Austin Radiological Association St. David's Imaging, LP, which holds Texas Radioactive Materials License #L00535. In addition, Dr. Gabriel currently serves as the Chief Operating Officer of Jefferson Radiology. Because Radiology Partners has a subsidiary with an Agreement States license and because of Dr. Gabriel's current role and future ownership in Jefferson Radiology, the NRC does not need to perform a pre-licensing visit to obtain reasonable assurance that licensed activities and licensed material will be used for its intended purpose and not for malevolent use.

An environmental assessment for this action is not required because this action is categorically excluded under 10 CFR 51.22(c)(21).

The staff has reviewed the request for an indirect transfer of control of 06-28502-01. The NRC staff finds that the indirect transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer. Please note that you will need to notify us promptly, in writing, after the transaction has been finalized and include a signed copy of the sales agreement confirming completion of the transaction. If this planned sale has not been consummated within 30 days of the date of this letter, please notify us in writing.

Future changes in the licensee's name, licensed use, licensed materials, licensed location, persons responsible for licensed material, or other changes to the corporate organizational structure require submission of a request to amend the license or a request to transfer the license. NRC approval must be received prior to implementation of any such proposed change.

In accordance with 10 CFR 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. If you have any questions regarding this letter, please contact Robin Elliott at 610-337-5076 or via electronic mail at robin.elliott@nrc.gov.

Thank you for your cooperation.

Sincerely,

Robin L. Elliott, Health Physicist
Medical and Licensing Assistance Branch
Division of Radiological Safety and Security
Region I

License No. 06-28502-01
Docket No. 030-31642
Mail Control No. 625391

cc: Ronald J. Rosenberg, M.D.
Radiation Safety Officer

CONNECTICUT IMAGING PARTNERS, LLC REQUEST FOR WRITTEN CONSENT
TO INDIRECT LICENSE TRANSFER, MAIL CONTROL NO. 625391 DATED May 18, 2021

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SUNSI Review Complete: RElliott

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