



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

September 8, 2021

Joseph B. Sappington, M.D., P.C.
President
Joseph B. Sappington, M.D.
300 Hebron Ave., Suite 213
Glastonbury, CT 06033

SUBJECT: JOSEPH B. SAPPINGTON, M.D., ACCEPTANCE OF NOTIFICATION OF
CHANGE OF CONTROL, MAIL CONTROL NO. 627421

Dear Dr. Sappington:

By letter dated July 22, 2021 [Agencywide Documents Access and Management System (ADAMS) Accession Number ML21211A047], Joseph B. Sappington, M.D. submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for written consent to a direct transfer of control of NRC Materials License number 06-30814-01. 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.

Joseph B. Sappington, M.D. is authorized by the NRC for the possession and use of byproduct material under Part 30. By letter dated July 22, 2021, Joseph B. Sappington, M.D. requested written consent to the direct 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 direct 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 number ML21211A020, the direct transfer of control will result from the purchase of all of the assets of the licensee, Joseph B. Sappington, M.D., by Trinity Health of New England. 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 a direct 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 a direct transfer of ownership, Joseph B. Sappington, M.D. provided information regarding its current decommissioning funding plans. Based on the information provided, Joseph B. Sappington, M.D. is not required to have financial assurance for decommissioning because of the types and amount of material authorized in its license.

Further, the NRC conducted an inspection of Joseph B. Sappington, M.D. on 04/23/2019 at 300 Hebron Ave., Suite 213, Glastonbury, CT. The NRC identified no violations.

Additionally, as described in its request, Trinity Health of New England commits that it:

- A. will not change the radiation safety officer listed in the NRC license;
- B. will not change the locations, facilities, and equipment authorized in the NRC license;
- C. will not change the radiation safety program authorized in the NRC license;
- D. will keep regulatory required surveillance records and decommissioning records;
- E. will change the name to Trinity Health of New England Medical Group.

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.

Trinity Health of New England owns and operates two medical facilities licensed by the NRC, Johnson Memorial Hospital (License No. 06-16624-01, Docket No. 03011353) located in Hartford, CT and Saint Mary's Hospital, Inc. (License No. 06-00679-01, Docket No. 03001243) located in Waterbury, CT. Because Trinity Health of New England has other NRC licenses, the NRC does not need to perform a pre-licensing visit to obtain reasonable assurance that licensed activities and materials 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 a direct transfer of control of 06-30814-01. The NRC staff finds that the direct 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 Robert Gallagher at (610) 337-5182 or via electronic mail at Robert.gallagher@nrc.gov.

Thank you for your cooperation in this matter.

Sincerely,

Robert Gallagher, Health Physicist
Medical and Licensing Assistance Branch
Division of Nuclear Materials Safety
Region I

License No. 06-30814-01
Docket No. 03036256
Mail Control No. 627421

cc: J. Sappington, Radiation Safety Officer
J. Gildea, Project Manager

JOSEPH B. SAPPINGTON, M.D., ACCEPTANCE OF NOTIFICATION OF CHANGE OF CONTROL, MAIL CONTROL NO. 627421 DATED SEPTEMBER 8 , 2021

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