



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

July 25, 2017

David Duchemin
Hospital Director
Veterinary Oncology and Hematology Center, LLC
129 Glover Avenue
Norwalk, CT 06850

SUBJECT: NRC INSPECTION REPORT NO. 03038609/2017001, VETERINARY
ONCOLOGY AND HEMATOLOGY CENTER, LLC

Dear Mr. Duchemin:

This is in reference to your letter received on February 2, 2017, informing the U.S. Nuclear Regulatory Commission (NRC) that ownership of all activities under NRC License No. 06-35037-01 would be transferred to a new company, Compassion First Pet Hospitals. At the time of the receipt of this letter, the transfer had already occurred. Based on this letter, NRC staff conducted an inspection. The purpose of the inspection was to review activities performed under your NRC license to ensure that all activities were being performed in accordance with NRC requirements. On July 18, 2017, a telephonic exit meeting was held between you and Mr. Robert Gallagher.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the failure to obtain the NRC's consent in writing prior to transferring control of your NRC license to Compassion First Pet Hospitals, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 30.34(b). The violation is cited in the enclosed Notice of Violation (Notice).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You

may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Robert Gallagher at 610-337-5182 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'JD', enclosed within a circular scribble.

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

Docket No. 03038609
License No. 06-35037-01

Enclosure: Notice of Violation

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Please contact Robert Gallagher at 610-337-5182 if you have any questions regarding this matter.

Sincerely,

/RA/

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

Docket No. 03038609
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Enclosure: Notice of Violation

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OFFICE	RI:DNMS	RI:DNMS	
NAME	RGallagher	JDwyer	
DATE	7/25/17	7/25/2017	

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NOTICE OF VIOLATION

Veterinary Oncology and Hematology Center, LLC
Norwalk, CT

Docket No. 03038609
License No. 06-35037-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 10, 2017, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b), states that 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.

Contrary to the above, on July 18, 2016, a license issued pursuant to Part 30 was transferred to another person prior to recovering NRC's consent in writing. Specifically, NRC License No. 06-35037-01, issued pursuant to 10 CFR Part 30, was transferred to the ownership of Compassion First Pet Hospitals of Tinton Falls, New Jersey without prior written approval of the transfer.

This is a Severity Level IV violation (Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Veterinary Oncology and Hematology, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation
Veterinary Oncology and Hematology
Center, LLC

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 25th day of July 2017