

**SAFETY EVALUATION REPORT  
TRANSFER OF CONTROL FOR BYPRODUCT MATERIALS LICENSE NUMBER  
06-35037-01, VETERINARY ONCOLOGY AND HEMATOLOGY CENTER LLC**

**DATE:** July 31, 2017

**DOCKET NO.:** 030-38609

**LICENSE NO.:** 06-35037-01; Veterinary Oncology and Hematology Center LLC

**LICENSEE:** Veterinary Oncology and Hematology Center LLC  
129 Glover Avenue  
Norwalk, Connecticut 06850

**TECHNICAL REVIEWER:** Robert Gallagher

**SUMMARY AND CONCLUSIONS**

Veterinary Oncology and Hematology Center LLC (VOHC) is authorized by U.S. Nuclear Regulatory Commission (NRC) License Number 06-35037-01 for the possession and use of byproduct material for the purpose of therapeutic veterinary medicine procedures. The NRC staff reviewed a request for consent to a direct license transfer submitted by VOHC. The license transfer resulted from the sale of VOHC to Compassion First Pet Hospitals, which occurred on July 18, 2016. As part of the transaction, the ownership of VOHC was directly transferred to Compassion First Pet Hospitals which became a parent company to a new entity named Veterinary Specialists of Connecticut, PC d/b/a The Veterinary Cancer Center.

The direct transfer of control is described in Agency Documents Access and Management System (ADAMS) package accession number ML17030A343.

Neither Veterinary Oncology and Hematology, LLC nor Compassion First Pet Hospitals/Veterinary Specialists of Connecticut, PC complied with NRC requirements as they did not receive the NRC's prior written approval for this transfer of control as required by 10 CFR 30.34(b) and Section 184 of the Atomic Energy Act, as amended. Enforcement action is being pursued separately.

The request for consent was reviewed by NRC staff as a direct transfer of control of a 10 CFR Part 30 license using the guidance in NUREG 1556, Volume 15, Rev. 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. The NRC staff finds that the information submitted by Veterinary Oncology and Hematology Center LLC and Compassion First Pet Hospitals sufficiently describes and documents the transaction and commitments made by Veterinary Oncology and Hematology Center LLC and Compassion First Pet Hospitals.

As required by 10 CFR 30.34 and section 184 of the Atomic Energy Act of 1954 (the Act), as amended, NRC staff has reviewed the application and finds that the transfer of control is in accordance with the Act. The staff finds that Veterinary Specialists of Connecticut, PC d/b/a The

Veterinary Cancer Center is 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 promote the common defense and security.

## **SAFETY AND SECURITY REVIEW**

According to data obtained from the NRC's Licensing Tracking System, Veterinary Oncology and Hematology Center LLC has been authorized to use byproduct material for therapeutic veterinary medicine purposes since April 22, 2013. The NRC conducted a main office inspection of Veterinary Oncology and Hematology Center LLC on March 20, 2015. No violations of NRC requirements were identified. As stated in commitments submitted to the NRC, Veterinary Specialists of Connecticut, PC d/b/a The Veterinary Cancer Center:

- A. will not change the radiation safety officer listed in the NRC license issued to Veterinary Oncology and Hematology Center LLC (License No. 06-35037-01);
- B. will not change the 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 Veterinary Specialists of Connecticut, PC d/b/a The Veterinary Cancer Center; and
- F. will keep required surveillance records and decommissioning records.

Compassion First Pet Hospitals does not have a current radioactive material license issued by the NRC. Therefore, for security purposes, Compassion First Pet Hospitals is not considered a known entity according to the guidance provided by the NRC's Office of Nuclear Material Safety and Safeguards (NMSS) "Checklist to provide a basis for confidence that radioactive materials will be used as specified on the license", September 3, 2008 revision (Checklist). A pre-licensing visit was performed on July 10, 2017. The pre-licensing visit reviewed business operations, radiation safety operations, a visit to all storage and use locations identified on the license, and interviews with senior management officials from Compassion First Pet Hospitals as well as Veterinary Oncology and Hematology Center LLC. The overall assessment determined that sufficient information exists to conclude that licensed material will be used as specified on the license and not for malevolent use. In addition, it was confirmed that the management of Veterinary Specialists of Connecticut, PC d/b/a The Veterinary Cancer Center, at the hospital level, would remain the same.

Veterinary Oncology and Hematology LLC is not required to have decommissioning financial assurance based on the types and amount of material authorized in License No. 06-35037-01. Under the sales agreement the transferee, Compassion First Pet Hospitals, Inc. assumed the assets and liabilities of the transferor, Veterinary Oncology and Hematology LLC.

## **REGULATORY FRAMEWORK**

License No. 06-35037-01 was issued under 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The NRC is required by 10 CFR 30.34(b) to determine if the transfer of control is in accordance with the provisions of the Act and, if so, give its consent to the transaction in writing.

10 CFR 30.34(b)(1) 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. The central issue is whether the authority over the license has changed. Veterinary Oncology and Hematology LLC's request for consent describes a direct transfer of control resulting from the sale of Veterinary Oncology and Hematology LLC to Compassion First Pet Hospitals, Inc. that was completed on July 18, 2016. On the effective date of the sale Veterinary Oncology and Hematology LLC changed its name to Compassion First Pet Hospitals, Inc., d/b/a The Veterinary Cancer Center.

## **DESCRIPTION OF TRANSACTION**

The transaction is described in ADAMS package accession number ML17030A343. 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.

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

The NRC staff finds that the information submitted by Veterinary Oncology and Hematology LLC and Compassion First Pet Hospitals, Inc. sufficiently describes and documents the commitments made by the transferee, and is consistent with the guidance in NUREG-1556, Volume 15.

## **ENVIRONMENTAL REVIEW**

An environmental assessment for this action is not required because this approval of the described transfer of control and the associated administrative license amendment are categorically excluded under 10 CFR 51.22(c)(21).

## **CONCLUSION**

The staff has reviewed the request for transfer of control of byproduct materials License No. 06-35037-01 and, pursuant to 10 CFR 30.34(b), consents to the direct transfer of control, though again notes that the transfer initially occurred without NRC approval in violation of NRC rules and the Atomic Energy Act.

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. The submitted information also demonstrates that the transferee will abide by all existing commitments to the license, consistent with the guidance in NUREG-1556, Volume 15.

Therefore, the NRC staff concludes that the transfer of 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.