



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

December 30, 2021

Tracey Gillespie, D.V.M., DACVIM-SAIM
Radiation Safety Officer
IndyVet Emergency and Specialty Hospital
5425 Victory Dr.
Indianapolis, IN 46203

SUBJECT: NRC CONSENT TO INDIRECT CHANGE OF CONTROL FOR INDYVET
EMERGENCY AND SPECIALTY HOSPITAL, NRC LICENSE NO. 13-32698-01

Dear Dr. Gillespie:

By letter dated September 29, 2021, IndyVet Emergency and Specialty Hospital (you) submitted to the U.S. Nuclear Regulatory Commission (NRC) Region III Office a request for written consent to an indirect transfer of control of NRC Materials License No. 13-32698-01. A publicly available version of your letter is available electronically from NRC's Agencywide Documents Access and Management System (ADAMS), the NRC's electronic document system, at accession number ML21321A300. The NRC's ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. In accordance with Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and Title 10 of the *Code of Federal Regulations* (10 CFR Section 30.34), the NRC consents to the transfer.

IndyVet Emergency and Specialty Hospital is authorized by the NRC for the possession and use of byproduct material under 10 CFR Part 30. By letter dated September 29, 2021, IndyVet Emergency and Specialty Hospital requested written consent to the indirect transfer of control of its license from the NRC. Additional information was provided in a second version of your letter dated September 29, 2021 (ADAMS Accession Number ML21341A834). 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 your September 29, 2021 letter, the indirect transfer of control resulted from merger acquisition with National Veterinary Associates, resulting in NVA IndyVet Veterinary Management, LLC, becoming 95%-owned by NVA IndyVet Veterinary Management, LLC. The other 5% ownership would be by GH Veterinary Services, LLC, which is wholly owned, in equal shares, by Joe Huber and Tracey Gillespie, DVM. The NRC staff finds that the licensee request adequately provides a complete and clear description of the 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.

IndyVet Emergency and Specialty Hospital 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 most recently conducted an inspection of IndyVet Emergency and Specialty Hospital on February 5, 2019, at the licensee's facilities in Indianapolis, Indiana. The NRC identified no violations based on that inspection. NRC also identified no violations based on previous inspections conducted on September 14, 2009 and February 12, 2014.

Additionally, as described in its additional information letter, NVA IndyVet Veterinary Management, LLC commits that it:

- A. Will abide by all constraints, conditions, requirements and commitments of the IndyVet Emergency and Specialty Hospital license;
- B. Agrees to accept the IndyVet Emergency and Specialty Hospital facilities "as is"; and
- C. Will maintain records important to decommissioning.

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.

As a new entity, NVA IndyVet Veterinary Management, LLC holds no other NRC or Agreement State licenses. However, for security purposes, NVA IndyVet Veterinary Management, LLC is considered a known entity because its facilities have been inspected multiple times and its Radiation Safety Officer is not changing. Therefore, the NRC staff does not need to perform a pre-licensing visit to obtain reasonable assurance that the licensed material will be used for its intended purpose and not for malevolent use.

An environmental assessment for this action is not required, since this action is categorically excluded under Title 10 of the *Code of Federal Regulations* (CFR) Section 51.22(c).

The staff has reviewed the request for an indirect transfer of control of License No. 13-32698-01. The NRC staff finds that the transfer of control is in accordance with Section 184 of the AEA and 10 CFR 30.34(b) and consents to the transfer.

The transferee NVA IndyVet Veterinary Management, LLC should note its responsibilities once the transfer is completed and it becomes an NRC licensee. Specifically, unless your license has been terminated, you must conduct your program involving radioactive materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, you are responsible for any NRC inspection and enforcement issues, investigations, facility decontamination, and decommissioning funding resources. In addition, please notify within 30 days of the transfer of control, in order that the license may be amended to reflect the completion of the transfer of control. Finally, please be advised, under 10 CFR 30.34(b), control of an NRC license cannot be directly or indirectly transferred without prior written consent from the NRC.

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.

If there are any errors or questions regarding this letter, please contact me at (630) 829-9892, or by e-mail at sara.forster@nrc.gov so that my office may provide appropriate corrections and answers.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's expectations for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from NRC's ADAMS.

Sincerely,

Sara A. Forster, M.S.
Health Physicist Materials
Licensing Branch

Docket No. 030-37823
License No. 13-32698-01