



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 30, 2005

Docket No. 03020203  
Control No. 135993

License No. 52-23038-01

Benjamin Quiñones, M.D.  
Owner  
P.O. Box 9138  
Humacao, PR 00792

SUBJECT: BENJAMIN QUIÑONES, M.D., ISSUANCE OF LICENSE RENEWAL,  
CONTROL NO. 135993

Dear Dr. Quiñones:

This refers to your request for renewal of your NRC license. Enclosed with this letter is the renewed license. Please note that your license was written in a format compatible with the revised 10 CFR Part 35, dated April 24, 2002. Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application. Please note that the last condition on your license indicates that "This license condition applies only to those procedures that are required to be submitted in accordance with the regulations." Therefore, any procedures submitted that were not required by regulation to be submitted, e.g., calibration of dose calibrators, will not be considered a part of your license and were not reviewed during the licensing process. These procedures will be reviewed during inspections, as necessary.

Please note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify the NRC in writing when:
  - a) an authorized user, authorized medical physicist or Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change;
  - b) the mailing address changes;

- c) the name on the license changes; or
  - d) permitting an individual to function as a temporary Radiation Safety Officer in accordance with 10 CFR 35.24(c).
- 3. In accordance with 10 CFR 30.36(d), notify the NRC, promptly, in writing, and request termination of the license
  - a) when you decide to terminate all activities involving materials authorized under the license; or
  - b) if you decide not to acquire or possess and use authorized material.
- 4. Request and obtain a license Amendment before you:
  - a) permanently change Radiation Safety Officers;
  - b) receive byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license; or
  - c) add or change the areas of use, except as allowed by 10 CFR 35.13(e) and with the appropriate notification described in 10 CFR 35.14(b)(4);
  - d) change the name or ownership of your organization;
  - e) change the address(es) of use identified on the license;
  - f) receive, prepare, or use byproduct material for a type of use that is not authorized on the license;
  - g) permit anyone to work as an authorized user, or authorized medical physicist, except as allowed by 10 CFR 35.13(b) and with the appropriate notification described in 10 CFR 35.14(a);
- 5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or a certifying official of the licensee rather than a consultant.

You will be periodically inspected by the NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order

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Benjamin Quinones, M.D.

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suspending, modifying or revoking your license as specified in NUREG 1600, "General Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy).

*An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).*

Current NRC regulations and guidance are available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

***Original signed by Pamela J. Henderson***

Pamela J. Henderson, Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Amendment No. 4

NRC Web site addresses  
NRC regulations

<http://www.nrc.gov/reading-rm/doc-collections/cfr/>

Licensing guidance

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>

General Policy and Procedure for NRC Enforcement Actions

<Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>

206 of the Energy Reorganization Act of 1974

<http://www.nrc.gov/who-we-are/governing-laws.html>

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI	N		
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DATE	3/30/2005		3/30/2005		3/30/2005			

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**MATERIALS LICENSE**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p>Licensee</p> <p>1. Benjamin Quiñones, M.D</p> <p>2. P.O. Box 9138 Humacao, Puerto Rico 00792</p>	<p>In accordance with the application dated November 11, 2004,</p> <p>3. License number 52-23038-01 is amended in its entirety to read as follows:</p> <p>4. Expiration date March 31, 2015</p> <p>5. Docket No. 030-20203 Reference No.</p>	
<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Strontium-90 permitted by 10 CFR 35.400</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed Source (DuPont Merck Radiopharmaceutical Company Model NB-1 [labeled as New England Nuclear Model NB-1])</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 99 millicuries</p>
<p>9. Authorized use:</p> <p>A. Strontium-90 for ophthalmic radiotherapy permitted by 10 CFR 35.400.</p>		

**CONDITIONS**

10. Licensed material may be used or stored only at the licensee's facilities located at Ave. Font Martelo #111, Humacao, Puerto Rico and Hospital H.I.M.A. Humacao, Ave. Font Martelo #3, Humacao, Puerto Rico.
11. The Radiation Safety Officer for this license is Benjamin Quiñones, M.D.
12. Licensed material is only authorized for use by, or under the supervision of:
- A. Individuals permitted to work as an authorized user and/or authorized medical physicist in accordance with 10 CFR 35.13 and 35.14.
  - B. Authorized user and use: Benjamin Quiñones, M.D. - Strontium 90 for ophthalmic radiotherapy.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
52-23038-01Docket or Reference Number  
03020203

Amendment No. 4

- C. Notwithstanding the requirements in 10 CFR 35.433 that *"only an authorized medical physicist shall calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments,"* David Marshall Rhoe may calculate the activity of the licensee's strontium-90 source that is used to determine the treatment times for ophthalmic treatments.
13. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
14. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. Additionally, this license condition does not limit the licensee's ability to make changes to the radiation protection program as provided for in 10 CFR 35.26. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated November 11, 2004 [ML043350345]  
B. Letter dated February 15, 2005 [ML050800515]

For the U.S. Nuclear Regulatory Commission

**Original signed by Pamela J. Henderson**Date March 30, 2005

By

Pamela J. Henderson, Chief  
Medical Branch  
Division of Nuclear Materials Safety  
Region I  
King of Prussia, Pennsylvania 19406