



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

January 8, 2014

Docket Nos. 03037882
03037957

License Nos. 52-31352-01MD
52-31352-02

Frank Kolodziej, M.D.
President and Owner
International Cyclotron, Inc.
Calle Jose Marti #56
Floral Park
Hato Rey, PR 00918

SUBJECT: NRC INSPECTIONS REPORT NO. 03037882/2013002 AND
03037957/2013002, INTERNATIONAL CYCLOTRON, INC., HATO REY,
PUERTO RICO SITE

Dear Dr. Kolodziej:

On October 1, 2013, John Miller of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC licenses. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in the telephone conversation on December 19, 2013 between you and John Miller of this office was also examined. The findings of the inspection were discussed with you at the conclusion of the inspection.

Within the scope of this inspection, no violations were identified.

In reference to the NRC Order Suspending Licensed Activities (Order) issued to International Cyclotron on December 19, 2011 (Enforcement Action EA-11-086) due to its failure to provide a financial assurance instrument to cover future decommissioning costs, as required by Title 10 of the Code of Federal Regulations (10 CFR) Section 30.35(f), International Cyclotron was required to cease all licensed activities, excluding possession and storage of the radioactive sources. Please be aware that:

- If you sell International Cyclotron, you must, in accordance with 10 CFR 30.34(b), first obtain NRC consent to transfer the licenses to another entity. This will require you and the purchaser to demonstrate that the purchaser is qualified to perform the licensed activities. Please refer to Chapter 5, "Change of Control" in NUREG-1556, "Consolidated Guidance About Materials Licensees," Volume 15, "Program-Specific Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source or Special Nuclear Material Licenses" (NUREG-1556, Volume 15) for further guidance. This information may be viewed electronically at <http://www.nrc.gov/reading-rm/doccollections/nuregs/staff/sr1556/v15/>.
- If you, instead, obtain a financial assurance instrument, you should refer to the guidance in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 3,

“Financial Assurance, Recordkeeping and Timeliness.” This information is also available on the NRC website. Any financial assurance instrument must be submitted to the NRC for review and acceptance before International Cyclotron’s license can be amended to allow resumption of licensed activities.

- If you do not either sell International Cyclotron or obtain an acceptable financial assurance instrument by **February 17, 2014**, you will not have conducted principal activities under the licenses for a period of 24 months. In that case, in accordance with 10 CFR 30.36(d), within 60 days (i.e., by April 14, 2014), you must notify the NRC in writing and begin decommissioning your facilities. If you cannot immediately begin decommissioning, you must notify the NRC in writing within the 60 days, and submit a decommissioning plan to the NRC within 12 months of the notification.

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.

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).

No reply to this letter is required. Please contact John Miller at 610-337-5089 if you have any questions regarding this matter.

Sincerely,

Original signed by Blake D. Welling

Blake Welling, Chief
Commercial, Industrial, R&D, and Academic
Branch
Division of Nuclear Materials Safety

cc: Commonwealth of Puerto Rico

David Rhoe, Radiation Safety Officer
Paseo de la Fuente
D-4 Calle Tivoli
San Juan Puerto Rico 35898-5000

Frank Kolodziej, M.D.
Ashford Avenue 888 PH
San Juan, PR 00907

- If you, instead, obtain a financial assurance instrument, you should refer to the guidance in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 3, "Financial Assurance, Recordkeeping and Timeliness." This information is also available on the NRC website. Any financial assurance instrument must be submitted to the NRC for review and acceptance before International Cyclotron's license can be amended to allow resumption of licensed activities.
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SUNSI Review Complete: BWelling

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| OFFICE | DNMS/RI | N | DNMS/RI | | DNMS/RI | | |
| NAME | JMiller\jjm | | BWelling\bw | | | | |
| DATE | 1/7/14 | | 1/8/14 | | | | |

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