

April 8, 2014

EA-13-059

Docket No. 03031963

License No. 52-25127-01

José Soltero, Esq.
Centro de Medicina Nuclear
Centro de Institutos Diagnósticos
1801 Avenida Ponce de León, Suite 411
Santurce, PR 00909

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTY - \$7000

Dear Mr. Soltero:

This letter is in reference to the Notice of Violation and Proposed Civil Penalty (Notice) issued to Centro de Medicina Nuclear (CDM) on November 5, 2013 (ML13311A706).¹ The NRC issued the Notice because CDM did not: (1) respond to an August 7, 2012, NRC Order (ML12220A598) revoking its license for nonpayment of its annual fee; and (2) take the actions required by the Order (initiating site decommissioning and submitting a written report of the status of CDM's licensed materials and the status of actions taken to dispose of or transfer the materials).

To emphasize the importance of compliance with NRC requirements, a civil penalty of \$7000 was proposed. In the Notice, the NRC informed CDM that if it did not restore compliance within 60 days (i.e., by January 4, 2014) by responding to the Order and taking the required actions, CDM could face a daily fine of \$100 per day in addition to the \$7000 proposed penalty. However, the NRC also informed CDM that if it transferred or disposed of its licensed material within those 60 days, the NRC would forgo imposition of any civil penalty.

After CDM did not respond to the Notice, a Region I inspector visited the CDM facility on January 29, 2014, and met with you and your associate, Frank Orsini, Ph.D. At that time, the NRC inspector ascertained the inventory of licensed material possessed by CDM (consisting primarily of instrument calibration standards) and verified that the material was properly secured. You and Dr. Orsini also participated in a telephone conversation with the NRC inspector and James Dwyer, Chief, NRC Region I Medical Branch, during which you informed Mr. Dwyer that you had been granted power of attorney over the affairs of the CDM owner, your father, and had only recently been made aware of the NRC enforcement action. You agreed to obtain cost estimates for disposal of CDM's licensed material. During subsequent conversations between yourself, Dr. Orsini, and the NRC inspector on February 24, 2014, you informed the NRC that CDM had not disposed of its licensed material because CDM did not have sufficient funds to do so.

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

As of the date of this letter, CDM remains in possession of the licensed material. CDM has also not paid the civil penalty. Accordingly, we hereby serve the enclosed Order on CDM imposing a civil monetary penalty in the amount of \$7000. The NRC considered whether additional daily civil penalties were warranted for CDM's failure to comply with the August 7, 2012, NRC Order, and concluded that they were not. In reaching this conclusion, the NRC determined that CDM has initiated steps toward site decommissioning; specifically obtaining a disposal cost estimate. Further, through site visits and communications with you and Dr. Orsini, the NRC has obtained information regarding the status of CDM's licensed materials and the status of actions taken to prepare for the eventual disposal or transfer of the materials. Consequently, the NRC concludes that there is no longer a need for ongoing penalties. Within 30 days of the date that the Order is issued you must either: (1) pay the civil penalty in accordance with Section IV of the Order, or (2) request a hearing in accordance with Section V of the Order.

The NRC notes that, in accordance with Title 10 of the Code of Federal Regulations (CFR), Section 30.36(h), CDM is required to complete decommissioning of its site no later than 24 months following the initiation of decommissioning. Because the August 7, 2012, NRC Order required that CDM initiate site decommissioning by October 27, 2012, decommissioning activities, as described in 10 CFR 30.36(j), must be completed by October 27, 2014. A copy of the NRC regulations pertaining to decommissioning is enclosed. Failure to comply with NRC decommissioning requirements could result in additional enforcement action, including additional civil penalties.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site 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. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

J. Soltero

3

Please contact Mr. James Dwyer at 610-337-5309 to address any questions.

Sincerely,

/RA/

Roy P. Zimmerman
Director, Office of Enforcement

Enclosures:

1. Order Imposing Civil Monetary Penalty
2. NUREG/BR-0254 Payment Methods
3. Copy of 10 CFR 30.36

cc w/enclosures:

David M. Rhoe, Radiation Safety Officer
Frank Orsini, Ph.D
Commonwealth of Puerto Rico

J. Soltero

3

Please contact Mr. James Dwyer at 610-337-5309 to address any questions.

Sincerely,

/RA/

Roy P. Zimmerman
Director, Office of Enforcement

Enclosures:

1. Order Imposing Civil Monetary Penalty
2. NUREG/BR-0254 Payment Methods
3. Copy of 10 CFR 30.36

cc w/enclosures:

David M. Rhoe, Radiation Safety Officer
Frank Orsini, Ph.D
Commonwealth of Puerto Rico

DISTRIBUTION:

See next page

OE r/f

Non-sensitive
Publicly available

ADAMS Package: ML14090A346

ADAMS Accession No.: ML14090A360

OFFICE	RI/ORA	RI/DNMS	RI/DNMS	RI/ORA	RI/ORA
NAME	MMcLaughlin/ MMM	JDwyer/ JPD	JClifford/ JWC w/comments	BKlukan/ BMK NLO	BBickett/ BAB
DATE	3/03/14	3/06/14	3/10/14	3/11/14	3/11/14
OFFICE	RI/ORA	FSME	OGC	OE	OE
NAME	WDean/ D Lew for	MBurgess	CHair	NHilton	RZimmerman
DATE	3/13/14	3/27/14	3/27/14	4/08/2014	4/08/2014

OFFICIAL RECORD COPY

DISTRIBUTION w/encl:

ADAMS (PARS)

SECY

M Satorius, EDO

M Weber, DEDMRT

D Rich, OEDO

R Zimmerman, OE

N Hilton, OE

L Sreenivas, OE

N Hasan, OE

K Beckford, OE

B Holian, FSME

L Dudes, FSME

P Henderson, FSME

M Burgess, FSME

Enforcement Coordinators

RII, RIII, RIV (C Evans; S Orth; V Campbell)

C Scott, OGC

H Harrington, OPA

H Bell, OIG

C McCrary, OI

M Williams, OCFO

L Bates, OCFO

J Clifford, DNMS, RI

J Marshall, DNMS, RI

J Dwyer, DNMS, RI

H Bermudez, DNMS, RI

D Screnci, PAO-RI / N Sheehan, PAO-RI

D Janda, SAO-RI / M Ford, SAO-RI

B Bickett, RI

M McLaughlin, RI

B Klukan, Esq, RI

C Crisden, RI

D Bearde, RI

S Villar, RI

Region I OE Files (with concurrences)