



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

April 21, 2015

Docket No. 030-37882
Docket No. 030-37957
Control No. 144277

License No. 52-31352-01MD
License No. 52-31352-02

Frank S. Kolodziej, M.D.
President and Owner
International Cyclotron, Inc.
c/o Ashford Ave. 888 PH
San Juan, PR 00907

SUBJECT: DECOMMISSIONING OF THE FACILITY AUTHORIZED BY NRC LICENSE
NOS. 52-31352-01MD and 52-31352-02, INTERNATIONAL CYCLOTRON, INC.

Dear Dr. Kolodziej:

During an inspection on February 10, 2015, we discussed with you and your Radiation Safety Officer (RSO), Mr. David Rhoe, the NRC requirements for facility decommissioning. Because the facility has remained shut down and you notified us by letter dated March 22, 2014, that no principal activities were conducted for a period of 24 months, you were required to submit a decommissioning plan (DP) within 12 months of notification, if your decommissioning procedures involve techniques not applied routinely during cleanup or maintenance operations. Therefore the DP, if needed, was required to be submitted by March 22, 2015. Further, as noted in our letter dated December 3, 2014, decommissioning must be completed within 24 months (by March 22, 2016) of the notification unless an alternative decommissioning schedule for the facility is approved by the NRC.

During the February inspection, you agreed to promptly review your position with regard to decommissioning and reach a decision going forward for the facility, in order to maintain compliance with NRC requirements. We attempted to reach you by telephone several times following the February inspection, but have not been able to reach you to discuss your plans for decommissioning. We have requested that you return our calls, but have not received any contact from you by telephone, letter, or electronic mail.

As of April 15, 2015, we have not received a DP for this license, or a request for an alternate decommissioning schedule. Therefore, decommissioning of the cyclotron facilities must be completed by March 22, 2016.

The failure to complete decommissioning within the required time period may be considered for escalated enforcement in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Enforcement options could include consideration of a Notice of Violation, with or without the imposition of a civil penalty, or an additional Order. A civil penalty is a monetary fine, and can be imposed on a daily basis, for any ongoing violation, until compliance is achieved.

We plan to continue inspections of your facility, including inspection of activities during the decommissioning process such as characterization surveys, remediation of contaminated areas, and the final status surveys. Such inspections help us determine if a confirmatory survey by the NRC will be necessary following your completion of decommissioning activities and submission of your final documentation. Therefore, we would appreciate being informed of your schedule for decommissioning activities so that we may inspect them. Information regarding the schedule for your decommissioning activities should be given to Betsy Ullrich by telephone at (610) 337-5040 or by electronic mail to Elizabeth.Ullrich@nrc.gov.

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).

Your cooperation is appreciated. If you have any questions about this issue, please contact Blake Welling at (610) 337-5205 or by electronic mail at Blake.Welling@nrc.gov. Thank you for your cooperation.

Sincerely,

/RA/

Daniel S. Collins, Director
Division of Nuclear Materials Safety

cc:
David Rhoe, Radiation Safety Officer

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/RA/

Daniel S. Collins, Director
Division of Nuclear Materials Safety

cc:
David Rhoe, Radiation Safety Officer

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