



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

June 19, 2007

Docket No. 03036513

License No. 52-30886-01

Astro Muñoz  
Executive Director  
Metro Hato Rey, Inc.  
dba Hospital Pavía Hato Rey  
P.O. Box 190828  
San Juan, PR 00919-0828

**SUBJECT: OFFICE OF INVESTIGATIONS REPORT NO. 1-2007-001 AND NOTICE OF VIOLATION, HOSPITAL PAVIA HATO REY, SAN JUAN, PUERTO RICO**

Dear Mr. Muñoz:

During an NRC Office of Investigations (OI) investigation conducted between October 6, 2006 and April 2, 2007, a violation of NRC requirements was identified. The purpose of the investigation was to determine whether licensee management willfully caused the licensee to be in violation of the requirements in 10 CFR 30.34(b), i.e., whether the licensee had willfully transferred control of its NRC license without prior NRC approval.

Based on the results of the investigation it appears that your activities were not conducted in full compliance of NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. The violation involves the failure to obtain NRC approval of the transfer of control of your NRC license prior to the transfer of control that took place in August 2006. OI concluded that the violation was not willful. OI determined that hospital management responsible for the transfer of control (sale) misunderstood NRC requirements that were communicated to them. OI found no evidence to suggest that anyone was involved in willful misconduct and determined that good faith attempts were made at complying with what hospital management believed to be the regulatory requirements. The NRC subsequently approved the transfer of control on January 4, 2007. Nonetheless, this transfer of control in August 2006 resulted in the violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

A. Muñoz  
Metro Hato Rey, Inc.

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Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then select **Regulations, Guidance, and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov). You may also obtain these documents 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 Penny Lanzisera***

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

Enclosure:  
Notice of Violation

cc:  
María M. Palacios, Radiation Safety Officer

A. Muñoz  
Metro Hato Rey, Inc.

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

Enclosure:  
Notice of Violation

cc:  
María M. Palacios, Radiation Safety Officer

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**SUNSI Review Complete: HBermudez**

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## NOTICE OF VIOLATION

Metro Hato Rey, Inc.  
San Juan, PR

Docket No. 03036513  
License No. 52-30886-01

During an NRC investigation conducted between October 6, 2006 and April 2, 2007, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b) requires, in part, that no license issued pursuant to the regulations in this part be transferred through the transfer of control to any person unless the Commission, after securing full information, finds that the transfer is in accordance with the provisions of the Atomic Energy Act and gives its consent in writing.

Contrary to the above, in August 2006 there was a transfer of control of NRC License No. 52-30886-01 from Pavía Health, Inc., to Metro Hato Rey, Inc., without prior NRC consent.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Metro Hato Rey, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 19th day of June 2007