



December 7, 2009

Docket No. 030-37957
Control No. 144277

License No. 52-31352-02

Frank Kolodziej Castro, M.D.
President
International Cyclotron, Inc
Calle José Martí # 56, Floral Park
Hato Rey, PR 00918

SUBJECT: INTERNATIONAL CYCLOTRON, INC, REQUEST FOR INFORMATION
CONCERNING FINANCIAL ASSURANCE DOCUMENTS, CONTROL NO.
144277

Dear Dr. Kolodziej Castro:

During your recent licensing process we did not address the need for financial assurance for decommissioning for Nuclear Regulatory Commission License No. 52-31352-02. However, the requirement in 10 CFR 30.35(b)(1) requires you to provide financial assurance and a decommissioning funding plan (DFP) for the quantities of unsealed byproduct materials with half-lives greater than 120 days that you are authorized to possess. Your DFP must include a decommissioning cost estimate and financial assurance for the estimated amount. The NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance; Financial Assurance, Recordkeeping, and Timeliness" (NUREG-1757, Volume 3) provides guidance in Chapter 4. The current NUREG-1757, Volume 3 guidance can be found on the NRC website using the following URL: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/v3/>

You may wish to avoid providing a DFP by requesting a license amendment which will reduce your possession limits for unsealed byproduct material of half-life greater than 120 days in the following or similar manner: If only one such isotope is possessed, the quantity possessed will be maintained at a quantity less than or equal to 10^5 times the applicable quantity in Appendix B of Part 30. For a combination of such isotopes, where R is defined as the sum of ratios of the quantity of each isotope to 10^5 times the applicable quantities in Appendix B, R shall not exceed 1 (unity rule). This would limit your requirement for financial assurance to \$1,125,000 in accordance with 10 CFR 30.35(d). However, because the possession limits of your license are over this limit, you must justify why the reduced amounts are sufficient for your activities.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. 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 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my Lizette Roldán, Ph.D. at the Region I Office and refer to Mail Control No. 144277. If you have any technical

F. Kolodziej Castro

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questions regarding this deficiency letter, please call Dr. Roldán at (610) 337-5237.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

cc:
David M. Rhoe, Radiation Safety Officer

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SUNSI Review Complete: LRoldán

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