From: Ullrich, Elizabeth
Sent: Thursday, November 04, 2010 3:07 PM
To: Leiza Rodriguez
Cc: Dwyer, James; Jackson, Todd
Subject: RE: URGENTISIMO!!!!! your NRC license
Attachments: IntlCyclotron.Feb9.2010.pdf; IntlCyclotron.April30.2010.pdf; IntlCyclotron.Aug10.2010.pdf; IntlCyclotron.Dec7.2009.pdf

License No. 52-31352-02
Docket No. 030-37957
Control No. 144277
International Cyclotron

To whom it may concern:

Please note that the requirement for financial assurance is found in a regulation, found in 10 CFR 30.35(b)(1).

Attached are copies of the letters and email correspondence regarding the requirement to provide financial assurance for the amounts of long-lived (half-life greater than 120 days) radioactive material authorized on your license. Our first request for financial assurance was in a letter dated December 7, 2009.

Financial "assurance" is not "insurance" and usually is provided through one of the approved types of financial assurance instruments listed in the NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance; Financial Assurance, Recordkeeping, and Timeliness" (NUREG-1757, Volume 3). 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/

For the quantities of long-lived materials authorized on your license, you are require to provide financial assurance and a decommissioning funding plan (DFP). The amount of financial assurance to be provided is determined by a Cost Estimate based on the DFP. You should have the DFP and Cost Estimate reviewed to determine that the cost estimate is acceptable, prior to obtaining your financial assurance. The NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance; Financial Assurance, Recordkeeping, and Timeliness" (NUREG-1757, Volume 3) provides guidance on developing the DFP and Cost Estimate in Chapter 4 and Appendix A.3.

Please contact me if you have additional questions.

Betsy Ullrich, MS, CHP
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Material Safety
Region I
Nuclear Regulatory Commission
(610) 337-5040
Elizabeth.Ullrich@nrc.gov

From: Leiza Rodriguez [mailto:leizarodriguez@somascan.net]
Sent: Thursday, November 04, 2010 2:02 PM
To: Ullrich, Elizabeth
Subject: FW: URGENTISIMO!!!!! your NRC license
Importance: High

Hi, Elizabeth:
The insurance agency needs a copy of the letter that specifies that we need that assurance for the license; can you send it to me?

Thanks' in advance,

Leiza Rodríguez
Somascan, Inc.
P:787-759-7878
F:787-250-6641

From: joseramos@somascan.net [mailto:joseramos@somascan.net]
Sent: Tuesday, August 10, 2010 10:03 AM
To: leizarodriguez@somascan.net
Subject: URGENTISIMO!!!!! your NRC license
Importance: High

---------- Original Message ----------
From: "Ullrich, Elizabeth" <Elizabeth.Ullrich@nrc.gov>
To: Frank Kolodziej <fkolodziej@somascan.net>
Cc: "Dwyer, James" <James.Dwyer@nrc.gov>, "joseramos@somascan.net" <joseramos@somascan.net>, 'David Rhoe' <crmidmr@coqui.net>, 'Daniel Goutev' <dangoutev@somascan.net>, "crmidmv@aol.com" <crmidmv@aol.com>
Date: August 10, 2010 at 1:42 PM
Subject: RE: your NRC license

License No. 52-31352-02
Docket No. 030-37957
Control No. 144277
International Cyclotron

Dr. Kolodziej,

You are required by regulation to provide financial assurance for this license, as you have been informed by letter, telephone, and email on multiple occasions since December 7, 2009. To date, we have not received any response from you that either provides financial assurance for this license, or provides a schedule of activities you are performing in order to obtain financial assurance for this license with an estimated date of completion, as has been requested. In addition, you have not provided sufficient data to demonstrate that financial assurance would not be required. Based on our experience with all other accelerators that we have licensed, activation products are produced in quantities that require provision of financial assurance.

If we do not receive a response from you within 7 days informing us of your activities to obtain financial assurance, we will initiate enforcement activities because you appear to be in violation of the regulations.

Please contact me if you have any questions,
Betsy Ullrich
Betsy Ullrich, MS, CHP
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Material Safety
Region I
Nuclear Regulatory Commission
(610) 337-5040
Elizabeth.Ullrich@nrc.gov

From: Ullrich, Elizabeth
Sent: Tuesday, July 06, 2010 11:09 AM
To: 'Frank Kolodziej'
Cc: joseramos@somascan.net; 'David Rhoe'; crmidmv@aol.com; 'Daniel Goutev'
Subject: RE: your NRC license

Dr. Kolodjiez,

As was described in our letter to you dated December 9, 2009, the guidance for acceptable financial assurance can be found in the regulations of 10 CFR 30.35 and NUREG-1757, Volume 3, chapter 4 and the associated appendices.

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/

The guidance in NUREG-1757, Volume 3, includes acceptable wording for the various types of financial assurance that are allowed by the NRC (trust funds, escrow accounts, government funds, CDs, government securities, sureties, letters of credit, lines of credit, insurance policies, parent company guarantees, self-guarantees, external sinking funds, and standby trust funds). You may not be eligible for all types, so need to review the criteria for each. However, prior to selecting the type of financial instrument, you must first develop your DFP and have the cost estimate approved. Guidance on developing the DFP also is in NUREG-1757, Volume 3.

Betsy Ullrich, MS, CHP
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Material Safety
Region I
Nuclear Regulatory Commission
(610) 337-5040
Elizabeth.Ullrich@nrc.gov

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From: Frank Kolodziej [mailto:fkolodziej@somascan.net]
Sent: Tuesday, July 06, 2010 10:46 AM

To: Ullrich, Elizabeth
Cc: joseramos@somascan.net; 'David Rhoe'; crmidmv@aol.com; 'Daniel Goutev'
Subject: RE: your NRC license

Dear Mrs Ulrich: I recently returned from Alaska and barely catching up with current affairs. What is exactly required for financial assurance? A lien or insurance bond? A surety? Would be glad to comply as soon as specifics are defined. Thank you kindly.

Frank Kolodziej, MD

From: Ullrich, Elizabeth [mailto:Elizabeth.Ullrich@nrc.gov]
Sent: Martes, 06 de Julio de 2010 10:04 a.m.
To: Frank Kolodziej
Cc: joseramos@somascan.net; 'David Rhoe'; crmidmv@aol.com
Subject: RE: your NRC license

Dr. Kolodziez,

It has been 2 months since you promised to address the issue of required financial assurance. To date, I have received no documents and no updates of your progress. Please inform me of what you have done to date to provide financial assurance, and your expected schedule for completion.

Thank you,
Betsy Ullrich
Betsy Ullrich, MS, CHP
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Material Safety
Region I
Nuclear Regulatory Commission
(610) 337-5040
Elizabeth.Ullrich@nrc.gov

From: Frank Kolodziej [mailto:fkolodziej@somascan.net]
Sent: Saturday, May 01, 2010 6:09 PM
To: Ullrich, Elizabeth
Cc: joseramos@somascan.net; 'David Rhoe'; crmidmv@aol.com
Subject: RE: your NRC license

Dear Mrs Ullrich: Thank you kindly for keeping me informed of these issues. I was unaware you had tried to reach me. We will address your concerns promptly.

Frank Kolodziej, MD

From: Ullrich, Elizabeth [mailto:Elizabeth.Ullrich@nrc.gov]
Sent: Friday, April 30, 2010 4:17 PM
To: fkolodziej@somascan.net
Subject: your NRC license

International Cyclotron
License No. 52-31352-02
Docket No. 030-37957
Control No. 144277

Dr. Kolodjiez,

As stated in our letter to you dated February 9, 2010, you are required to provide financial assurance for the International Cyclotron License No. 52-31352-02. This was a follow-up letter to our letter dated December 7, 2009 and your response dated December 21, 2009. This was also discussed with David Rhoe on March 22, 2010. In addition, I have been trying to reach you by telephone on multiple occasions this past month.

As stated in the letter, we cannot reduce your license possession limits without an adequate technical basis which demonstrates that you do not actually possess long-lived radioactive materials in the amounts authorized on your license. If that basis is not provided, you must submit a decommissioning funding plan and appropriate financial assurance for this license.

Please contact me if you have any questions. Please respond within 30 days with a schedule of your expected steps to submit the required information.

thank you,
Betsy Ullrich, MS, CHP
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Material Safety
Region I
Nuclear Regulatory Commission

(610) 337-5040
Elizabeth.Ullrich@nrc.gov

E-mail Properties

Mail Envelope Properties ()

Subject: RE: URGENTISIMO!!!!! your NRC license
Sent Date: 11/4/2010 2:54:19 PM
Received Date: 11/4/2010 3:06:00 PM
From: Ullrich, Elizabeth

Created By: Elizabeth.Ullrich@nrc.gov

Recipients:
leizarodriguez@somascan.net (Leiza Rodriguez)
Tracking Status: None
James.Dwyer@nrc.gov (Dwyer, James)
Tracking Status: None
Todd.Jackson@nrc.gov (Jackson, Todd)
Tracking Status: None

Post Office:

Files	Size	Date & Time
MESSAGE	593837	11/4/2010
IntlCyclotron.Feb9.2010.pdf	121184	
IntlCyclotron.April30.2010.pdf	123747	
IntlCyclotron.Aug10.2010.pdf	205137	
IntlCyclotron.Dec7.2009.pdf	120972	

Options
Expiration Date:
Priority: olImportanceNormal
ReplyRequested: False
Return Notification: False

Sensitivity: olNormal
Recipients received: