



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

August 6, 2012

Docket No. 030-37957
Control No. 144277
EA-11-086

License No. 52-31352-02

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

SUBJECT: INTERNATIONAL CYCLOTRON, INC., REQUEST FOR PROGRESS REPORT
CONCERNING FINANCIAL ASSURANCE FOR LICENSE, CONTROL NO.
144277

Dear Dr. Kolodziej:

This is in reference to your electronic mail dated June 29 and July 2, 2012, in which you stated that you were working to obtain a decommissioning bond to support the financial assurance for decommissioning required by the NRC regulations in 10 CFR 30.35 for the Nuclear Regulatory Commission License No. 52-31352-02. In addition, you stated that you have ordered new equipment for the radiopharmacy and are planning to prepare a new F18-labelled compound. However, we have not yet received the bond, and have not received any answer to requests by telephone and email for an update on your progress to obtain the required financial assurance. This also refers to our telephone conversation on June 28, 2012, during which you informed me that you no longer have any employees at the cyclotron and will have to hire and train new employees before you can re-start activities at the cyclotron.

At this time, you are still under the Order and may not perform licensed activities with the cyclotron until financial assurance is established. Please contact me to provide an update on your progress to obtain financial assurance. You may send the update by letter to our new address listed below; or by email to Elizabeth.Ullrich@nrc.gov, or by telephone to (610) 337-5040.

Please note that, in accordance with our guidance for financial assurance instruments in NUREG-1757, "consolidated NMSS Decommissioning Guidance," Volume 3, "Financial Assurance, Recordkeeping and Timeliness," if you use a bond, you must submit an originally signed duplicate of the surety bond, with all supporting documentation, along with the required originally signed duplicate of the Standby Trust Agreement that is required with a Surety Bond. The information can be found in Chapter 4 of the above guidance. More detailed information about the Surety Bond requirements is found in Appendix A, Section A.9, pages A-88 through A-95 and more detailed information about the Standby Trust Agreement is found in Appendix A.17, pages A-153 through A-169. This information is available through the internet at the NRC website, at the following link:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/v3/>

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. 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).

Please note that the office of the Region I Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U. S. Nuclear Regulatory Commission
Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

If you have any other questions, please contact me. Thank you for your attention to this matter.

Sincerely,

Original signed by Elizabeth Ullrich

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

cc:

David Rhoe, Radiation Safety Officer
David Rhoe, Radiation Safety Officer (home)
Frank Kolodziej, President/Chief Executive Officer (home)

DOCUMENT NAME: G:\WordDocs\Current\Lic Def Letter\L52-31352-02.144277a.doc

SUNSI Review Complete: EUllrich

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	EUllrich <i>/BU/</i>					
DATE	8/6/12					

OFFICIAL RECORD COPY