



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

September 24, 2012

Docket Nos. 030-37957  
030-37882  
030-36194  
Control No. 144277  
EA-11-086

License Nos. 52-31352-02  
52-31352-01MD  
52-25617-01

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

SUBJECT: INTERNATIONAL CYCLOTRON, INC., STATUS OF LICENSED ACTIVITIES,  
CONTROL NO. 134400 AND EA-11-086

Dear Dr. Kolodziej:

This is in reference to the telephone conversation on September 6, 2012, between you and Todd Jackson of this office regarding your progress to obtain financial assurance for Nuclear Regulatory Commission License No. 52-31352-02, and the status of your activities under that license and License Nos. 52-31352-01MD and 52-25617-01.

During the week of September 3, 2012, while inspecting other locations in Puerto Rico, Todd Jackson confirmed that the International Cyclotron, Inc. and Somascan, Inc. facilities at Calle José Martí #56 in Hato Rey were closed and the building was secured. He was informed during a telephone conversation with the Radiation Safety Officer, David Rhoe, that no activities have taken place there since the NRC required you to cease activities with the cyclotron under License No. 52-31352-02, and that electrical services were discontinued at that address.

Todd Jackson attempted to meet with you personally, but was only able to reach you by telephone on September 6. During your conversation with him, you stated that you were not successful in obtaining a financial assurance instrument for the license, despite the efforts you reported to the NRC by email in June and July of 2012. You stated that you have retired from active practice, and are searching for a buyer for the facilities in Hato Rey. We understand there are at least three companies that have expressed interest in purchasing the facilities, and these companies currently operate similar cyclotron facilities under other NRC and Agreement State licenses. Furthermore, you believe that the sale of the facilities could take place within the next few months. We further understand that you will be unable to pursue this directly for a few weeks due to personal issues.

Please keep us informed of your progress to obtain financial assurance and resume licensed activities on your own, transfer the facilities to another company, or to close your facilities and terminate your licenses. In addition to the cyclotron materials, the Hato Rey facilities include materials from radiopharmacy activities under International Cyclotron's License No. 52-31352-01MD and nuclear medicine activities under the Somascan, Inc. License No.

52-25617-01. We note also that the Somascan, Inc. license authorizes activities at other locations. In order for these licenses to be terminated, the remaining licensed materials must be properly transferred or disposed of, and facilities must be confirmed to be suitable for release for unrestricted use.

Please note that, in accordance with 10 CFR 30.34(b), you must have the consent of the NRC in order to transfer control of your license to another entity, and that you and the purchaser will need to provide the NRC with information that demonstrates that the purchaser is qualified to perform the licensed activities. You should refer to the information in Chapter 5, "Change of Control" in NUREG-1556, "Consolidated Guidance About Materials Licensees," Volume 15, "Program-Specific Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source or Special Nuclear Material Licenses" (NUREG-1556, Volume 15). This information may be viewed electronically at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v15/>. A paper copy is enclosed for your information.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://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).

If you have any questions, please contact either Betsy Ullrich at (610) 337-5040 or Todd Jackson at (610) 337-5308.

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.

Sincerely,

***Original signed by Judith A. Joustra***

Judith A. Joustra, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
NUREG-1556, Volume 15

cc w/enclosure:

D. Rhoë, Radiation Safety Officer (home address)

F. Kolodziej, M.D., President and Owner (home address)

cc w/o enclosure:

D. Rhoë, Radiation Safety Officer

F. Kolodziej, M.D., President and Owner/Medical Director, Somascan, Inc.

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**SUNSI Review Complete: JJoustra**

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