



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

May 16, 2013

Docket No. 03031963
Control No. 579812

License No. 52-25127-01

Dr. José Soltero
Centro de Medicina Nuclear
Centro de Institutos Diagnósticos
1801 Avenida Ponce de León, Suite 411
Santurce, PR 00909

SUBJECT: VIOLATION OF AUGUST 7, 2012 ORDER REVOKING LICENSE AND VOID OF REQUEST FOR AMENDMENT DATED JANUARY 16, 2013, MAIL CONTROL NO. 579812

Dear Dr. Soltero:

On August 7, 2012, an Order Revoking License (Order) was issued to Centro de Medicina Nuclear (the licensee) for nonpayment of the license fee required by 10 CFR 171 for Fiscal Year 2012. The Order specified that, if the fee was not paid within 20 days from the date of the Order, the license was to be revoked. After you failed to pay the required fee within the 20 days allowed, the Order became effective on August 28, 2012, and your license was revoked.

Section III of the Order, in part:

- (A) Specifies that your license remains in effect with respect to the possession, transfer, and storage of licensed nuclear material remaining in your possession until the Commission notifies you in writing that the license is terminated;
- (B) Requires that you restrict activities under the license to decommissioning the restricted areas and the safe, secure storage and transfer of materials until the NRC has confirmed that such areas are suitable for release in accordance with NRC requirements;
- (C) Requires you to arrange for disposal or transfer to an authorized recipient any licensed material possessed under the license and, within 60 days from the date of revocation, begin decommissioning your site as required by 10 CFR 30.36;
- (D) Requires that you submit to the NRC, within 5 days after disposal of licensed material possessed under the license, written reports describing how, where and when disposition of the licensed material took place;
- (E) Requires if you manufacture, distribute or provide services to other licensee's, that you notify them in writing that authorization to provide these services has been suspended (this Item does not appear to apply to your license);

- (F) Requires you to begin, within 60 days from the date of your license revocation, decommissioning your licensed facilities;
- (G) Requires you to submit to NRC, no later than the date of revocation (August 28, 2012), a written report that includes: (1) a listing of all licensed materials disposed of, transferred, or still in your possession; (2) a description of the conditions of storage of retained material and actions being taken to control access to the licensed material; and (3) for any licensed material not disposed of or transferred, a description of the actions taken to attempt to dispose of or transfer the licensed material and why those actions were unsuccessful.
- (H) The licensee will be terminated upon satisfaction of the requirements of 10 CFR 30.36; and
- (I) After revocation of your license, you may not resume licensed activities until a new license has been applied for and issued and until all debts owed NRC are paid.

Because you did not respond to the Order in accordance with Section III, Item G, on January 17, 2013, Mr. Héctor Bermúdez of this office accompanied your Radiation Safety Officer (RSO), Mr. David Rhoe, to your facility. Mr. Bermúdez and Mr. Rhoe confirmed your radioactive sources were secured and conducted an inventory of all radioactive sources kept in your possession. Mr. Rhoe confirmed that the inventory was unchanged from the inventory he last performed on June 1, 2012. Mr. Bermúdez noted that, while your sealed sources remain radioactive, most of the sources are no longer useful for conducting licensed activities. During the January 17, 2013 inspection, you indicated to Mr. Bermúdez that you did not have definite plans for future activities at your facility. You further indicated that the facility was to remain closed until a final determination was made, with no definite timeframe for action in mind.

Section III, Items B, C, D, F, G and I of the Order require action on your part. Given the above, NRC has determined that you are currently taking the actions required for compliance with Section III, Items B and I of the Order; however, you are currently not complying with the actions required in Section III, Items C, D, F and G of the Order. We are giving you an opportunity to provide a written explanation for your failure to comply with Items C, D, F and G of the Order. Failure to do so within 30 days from the date of this letter will result in further enforcement action. These actions could include daily civil penalties. If civil penalties are assessed, NRC will issue a press release describing the basis for this action.

In addition, we received a letter from Mr. Rhoe dated January 16, 2013, notifying us that he resigned his position as RSO for the Centro de Medicina Nuclear license effective August 2, 2012. Mr. Rhoe asked us to remove him from the position and the license. We cannot act on a request from Mr. Rhoe unless he is making the request on your behalf and we certainly cannot grant his request without your nomination of a qualified replacement RSO. We are voiding Mr. Rhoe's January 16, 2013 request because we cannot act on it without your written approval and your nomination of a qualified RSO. Please contact us if you would like to amend your license.

J. Soltero

3

Thank you for your cooperation.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

cc:

David M. Rhoe, Radiation Safety Officer
Paseo de la Fuente
D-4 Calle Tivoli
San Juan, Puerto Rico 00926

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DATE	5/3/2013 (by telephone)		5/3/2013		5/3/2013		

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