



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

January 11, 2016

Docket No. 03037326
Control No. 589790

License No. 52-31182-01

Luis Rosado, M.D.
Owner
Clínica Cardiovascular de Guaynabo
P.O. Box 965
Guaynabo, PR 00970-0965

**SUBJECT: CLINICA CARDIOVASCULAR DE GUAYNABO, REQUEST FOR ADDITIONAL
INFORMATION CONCERNING APPLICATION FOR AMENDMENT TO
LICENSE, CONTROL NO. 589790**

Dear Dr. Rosado:

This is in reference to your letter received December 29, 2015 requesting to amend Nuclear Regulatory Commission License No. 52-31182-01. This appears to be a change of ownership of Clínica Cardiovascular de Guaynabo from Luis Rosado, M.D. to Juan Fontanez Nieves, M.D. In order to continue our review, please provide the following additional information:

1. Section 184 of the Atomic Energy Act of 1954, as amended, and the NRC's regulations at 10 CFR 30.34(b)(1) require that no license issued or granted nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing. Please confirm that control of Clínica Cardiovascular de Guaynabo's license, licensed activities, and licensed material will not be transferred directly or indirectly prior to NRC's approval and written consent. Please also indicate the date that the sale is expected to occur.
2. Please confirm that this transaction is a direct sale of assets, including survey instrumentation, equipment, and radioactive sealed sources, and that the license name will remain Clínica Cardiovascular de Guaynabo. Please also indicate if the Employer Identification Number will remain the same. Please also include the name and telephone number of a licensee contact if more information is needed.
3. Please indicate if Roberto P. Bordewyk, M.D. should remain an authorized user on the license. Please confirm there are no other personnel changes, with the exception of authorized users and Radiation Safety Officer.

4. Please provide written confirmation that Juan Fontanez Nieves, M.D. will abide by all constraints, conditions, requirements, and commitments of the transferor (Luis Rosado, M.D. of Clínica Cardiovascular de Guaynabo).
5. It appears that Juan Fontanez Nieves, M.D. will be leasing the space from Luis A. Rosado Carrillo, M.D. Since the facility located at Calle Carazo #11, Guaynabo, Puerto Rico will be controlled by an entity other than the new license owner, please provide documentation of a clear, contractual agreement 1) designating the space for use by Juan Fontanez Nieves, M.D. and Clínica Cardiovascular de Guaynabo; 2) documenting that only Juan Fontanez Nieves, M.D. and his staff will have keys; and 3) allowing Juan Fontanez Nieves, M.D. and Clínica Cardiovascular de Guaynabo to access the location of use for the purpose of decontamination or removal of licensed material in the event of disharmony between Juan Fontanez Nieves, M.D. and Luis A. Rosado Carrillo, M.D. This documentation should consist of signed certification from both parties.
6. It appears that your Radiation Safety Officer (RSO), David Rhoe, may be an outside consultant\contractor. If this is so, in support of this request, please address the following:
 - a. Identify other commitments of the consultant-RSO for other NRC or Agreement State licensed facilities. You have indicated that Mr. Rhoe will be on-site once each month to review the radiation safety program. Please state the consultant-RSO's minimum amount of on-site time (hours per month).

The above information is taken from NUREG-1556, Volume 15, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Material Licenses." The notice of the proposed sale was posted to the NRC's website on January 6 and, per 10 CFR 2.1305, the public has 30 days to provide comments for the NRC's consideration. Therefore, the NRC would provide approval no earlier than 30 days after January 6. If you have questions, please feel free to contact me.

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).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 589790. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5006.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

L. Rosado

3

Thank you for your cooperation.

Sincerely,

Original signed by Janice Nguyen

Janice Nguyen
Senior Health Physicist
Medical Branch
Division of Nuclear Materials Safety

cc: Juan Fontanez Nieves, M.D.
David Rhoe, Radiation Safety Officer

DOCUMENT NAME: G:\WordDocs\Current\Lic Def Letter\L52-31182-01.589790.docx

SUNSI Review Complete: JNguyen

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: AC = Copy w/o attach/encl AE = Copy w/ attach/encl AN = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI			
NAME	JNguyen/JN						
DATE	1-11-16						

OFFICIAL RECORD COPY