

August 24, 2016  
EN-16-018

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: International Cyclotron, Inc. (EA-16-055)  
San Juan, PR

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -  
\$14,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty (NOV/CP) in the amount of \$14,000 will be issued on or about August 30, 2016, to International Cyclotron, Inc. (International Cyclotron) for a Severity Level (SL) III violation. The violation involved International Cyclotron's failure to begin and complete decommissioning of its site in accordance with 10 CFR 30.36.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$14,000 is considered for a SL III violation. Because the licensee has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for Corrective Action in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC staff determined that credit for corrective action is not warranted because International Cyclotron has failed to address the violation or to communicate with the NRC. Therefore, to emphasize the importance of compliance with NRC requirements, a CP in the amount of \$14,000 is being proposed.

If, after 60 days from the date of the NOV/CP, International Cyclotron continues to fail to take action, in addition to the \$14,000 CP proposed for the violation, the staff is considering an additional daily CP until the violation is corrected. The staff believes daily CPs are justified because International Cyclotron has been informed that it is in violation of NRC requirements, yet has failed to take any corrective action. In accordance with the Enforcement Policy, the staff will consult with the Commission prior to issuing any proposed daily CP.

The staff's primary interest in this matter is to ensure that International Cyclotron meets its obligation to decommission its facility and ensure the proper transfer or disposal of the material in its possession. Accordingly, the NRC will provide International Cyclotron a grace period of 30 days from the date of the NOV/CP to properly dispose of or transfer all of its sealed radioactive sources and 60 days from the date of the NOV/CP to provide a written description of the planned activities to complete decommissioning of the International Cyclotron site and a schedule for their completion. If International Cyclotron completes these actions, the NRC will forgo imposition of any CP and will monitor site decommissioning activities. After all decommissioning activities are complete, the NRC will re-evaluate the appropriate enforcement action for this violation.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	August 30, 2016
Telephone Notification of Licensee	August 30, 2016

The Commonwealth of Puerto Rico will be notified.

CONTACTS: Leelavathi Sreenivas, OE/EB  
301-415-1285

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301-415-1980

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**ADAMS ACCESSION NO.: ML16237A113**

<b>OFFICE</b>	OE:ES	OE:BC
<b>NAME</b>	LSreenivas	RFretz
<b>DATE</b>	8/22/2016	8/24/2016

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