

March 30, 2017
EN-17-010

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Somascan, Incorporated (EA-16-255)
San Juan, PR

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$7,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty (NOV/CP) in the amount of \$7,000 will be issued on or about April 5, 2017, to Somascan, Incorporated (Somascan) for a Severity Level (SL) III problem associated with two violations. The violations involve Somascan's failures to notify the NRC of its licensee expiration, to begin and complete decommissioning of its site in accordance with 10 CFR 30.36, and to secure from unauthorized removal or access licensed material that is stored in an unrestricted area in accordance with 10 CFR 20.1801.

The licensee was given the opportunity to: (1) respond in writing, (2) request a pre-decisional enforcement conference, or (3) participate in an alternate dispute resolution mediation session. The licensee did not use any of the opportunities and failed to provide any response. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,000 is considered for a SL III problem. 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 Somascan 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 \$7,000 is being proposed.

The staff's primary interest in this matter is to ensure that Somascan 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 Somascan 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 or 60 days from the date of the NOV/CP to provide a written description of the planned activities to complete decommissioning of the Somascan site and a schedule for their completion. If Somascan completes any one of these actions, the NRC will forgo imposition of any CP.

If, after 60 days from the date of the NOV/CP, Somascan continues to fail to take action, in addition to the \$7,000 CP proposed for the violations, the staff will consider issuing additional daily CPs until the violation is corrected. The staff believes daily CPs are justified because Somascan 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 CPs.

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
Telephone Notification of Licensee

April 5, 2017
April 5, 2017

The Commonwealth of Puerto Rico will be notified.

CONTACTS: Leelavathi Sreenivas, OE/EB
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