



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

June 10, 2019

EA-19-035

Juan E. Pérez Monté, M.D.
Beta Gamma Nuclear Radiology, Inc.
P.M.B. 372, P.O. Box 7891
Guaynabo, PR 00970-7891

**SUBJECT: BETA GAMMA NUCLEAR RADIOLOGY, INC. - EXERCISE OF
ENFORCEMENT DISCRETION**

Dear Dr. Pérez Monté:

During an NRC inspection of Beta Gamma Nuclear Radiology, Inc. (Beta Gamma) on February 26, 2019, one apparent violation was identified for the failure to notify the NRC when no principal activities had been conducted for a period of 24 months and to begin decommissioning. Specifically, Title 10 of the Code of Federal Regulations 30.36(d)(3) requires licensees to notify the NRC within 60 days when no principal activities have been conducted for a period of 24 months and begin decommissioning. As identified by the NRC inspector, Beta Gamma had not conducted principal activities since December 19, 2016. Consequently, the licensee should have notified the NRC by February 17, 2019, that they had not conducted principal activities and then should have begun decommissioning activities.

This violation would normally be assessed at Severity Level IV in accordance with the NRC Enforcement Policy (Section 6.3). However, after consultation with the Director of the NRC's Office of Enforcement and the Regional Administrator of this office, I have been authorized to exercise enforcement discretion in accordance with Section 3.5 of the Enforcement Policy, "Violations Involving Special Circumstances," and not issue a violation. Based on discussions between the NRC inspector and yourself, the NRC recognizes that this requirement was unclear to you and, once the NRC staff clarified the requirement, Beta Gamma promptly provided corrective actions, as well as complied with requirements for both the transfer of the source and decommissioning to permit release of the site from licensing and further NRC oversight. Specifically, Beta Gamma transferred its licensed material on March 21, 2019, and, with completion of decommissioning activities, in a letter dated March 25, 2019, requested termination of its NRC license. On April 1, 2019, the NRC issued Amendment No. 3, terminating License No. 52-25542-01.

No further action or response is necessary on your part. However, should Beta Gamma apply for another NRC license in the future, you may be asked to address the reason for this violation and your actions to prevent reoccurrence.

In accordance with 10 CFR 2.390, a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agency wide Documents Access and Management System (ADAMS), accessible from the NRC Web Site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, you may contact Shawn Seeley of my staff at (610) 337-5102, or via electronic mail at shawn.seeley@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety
Region I

License No. 52-25542-01 (terminated)
Docket No. 03035572

SUBJECT: BETA GAMMA NUCLEAR RADIOLOGY, INC. - EXERCISE OF ENFORCEMENT DISCRETION DATED JUNE 10, 2019

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