

03033033

VOID SHEET

TO: License Fee Management Branch
FROM: PTI
SUBJECT: VOIDED APPLICATION

Control Number: 255075
Applicant: Guillermo Velasquez, MD
Date Voided: 7/30/93

Reason for Void: Licensee denied license by RTI. See attached order.
No review done on application.
Please return fee.

9403100181 930730
PDR ADOCK 03033033
C PDR

Clean P. Merin 7/30/93
Signature Date

Attachment:
Official Record Copy of
Voided Action

PDR LEMB USE ONLY

Final Review of VOID Completed:

- Refund Authorized and processed
- No Refund Due
- Fee Exempt or Fee Not Required

Comments: See notes on 7/4/92 app. Under in review.

Log completed
Processed by: [Signature]

250076

ml201



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

93E010

JUL 21 1993

Docket No. 030-19747
License No. 52-21082-01 (expired)
EA 93-078

Guillermo Velasquez, M.D.
959 Americo Miranda
Reparto Metropolitano
(Rio Piedras) San Juan, Puerto Rico 00921

Dear Dr. Velasquez:

SUBJECT: ORDER TO TRANSFER BYPRODUCT MATERIAL TO AN AUTHORIZED
RECIPIENT (EFFECTIVE IMMEDIATELY) AND DEMAND FOR
INFORMATION

The enclosed Order, which is effective immediately, is being issued to require you to transfer byproduct material (approximately 100 millicuries of strontium-90) in your possession to an authorized recipient within 45 days of the date of this Order. The Order also provides that: 1) prior to transfer, you must continue to maintain safe control over the byproduct material by maintaining it in locked storage, 2) no use of the byproduct material is authorized, 3) if the source has not been leak tested within the last six months, prior to transfer of the source, you will have the source tested for leakage by a person authorized to perform the test, (4) you will notify the Nuclear Regulatory Commission (NRC) by telephone at least two working days prior to the actual transfer, and (5) you will certify to the NRC, under oath or affirmation, that all byproduct material has been transferred to an authorized recipient within seven days after such transfer. Once the transfer of material has been confirmed, NRC will terminate License Number 52-21082-01 and will inform you in writing of the formal termination.

You are required to abide by the applicable provisions of 10 CFR Part 20 while you maintain NRC-regulated material in locked storage. Your possession of the byproduct material without a valid license continues to be a violation of the Atomic Energy Act of 1954, as amended, and NRC regulations.

In addition, in light of the willful violations described in the enclosed Order and to determine whether additional regulatory action is warranted to further limit your involvement in NRC licensed activities, a Demand for Information (DFI) is being issued with the Order.

The issuance of this Order does not preclude you from being subject to civil and criminal sanctions for the violations

Guillermo Velasquez, M.D.

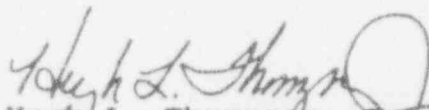
- 2 -

underlying this Order. In addition, violation of this Order may also subject you to civil penalties or criminal sanctions under the Atomic Energy Act. If you do not believe that you have sufficient funds to pay for the transfer, the Order describes the information necessary to support such a claim. However, unless the Order is relaxed in writing, you must comply with it.

If you have any questions concerning this Order and DFI, please contact James Lieberman, Director, Office of Enforcement, at (301) 504-2741.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

Sincerely,



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Enclosure:

Order to Transfer Byproduct Material to an Authorized Recipient
(Effective Immediately) and Demand for Information

cc w/encl:

Commonwealth of Puerto Rico

(FOR LFMS USE)

INFORMATION FROM LTS

BETWEEN:

LICENSE FEE MANAGEMENT BRANCH, ARM
AND
REGIONAL LICENSING SECTIONS

PROGRAM CODE: -----

STATUS CODE: 3

FEE CATEGORY: -----

EXP. DATE: 0

FEE COMMENTS: -----

DECJM FIN ASSUR REQD: -----

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

APPLICANT/LICENSEE: VELASQUEZ, M.D., GUILLERMO

RECEIVED DATE: 921210

DOCKET NO: 3033033

CONTROL NO.: 255075

LICENSE NO.:

ACTION TYPE: NEW LICENSE

2. FEE ATTACHED

AMOUNT: 400⁰⁰

CHECK NO.: 7292

3. COMMENTS

- 01 approved 4/21/92

SIGNED
DATE

[Signature]
7/14/92

5. LICENSE FEE MANAGEMENT BRANCH (CHECK WHEN MILESTONE 03 IS ENTERED 1/1)

1. FEE CATEGORY AND AMOUNT: 7C

\$760

2. CORRECT FEE PAID. APPLICATION MAY BE PROCESSED FOR:

AMENDMENT

RENEWAL

LICENSE

3. OTHER

7/24/93

Small entity form
submitted with this

request.

Note to Leah
to transfer 3PD
to AA9105 APP.

SIGNED
DATE

[Signature]
7/26/93

APPLICATION FOR MATERIAL LICENSE

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 3.35 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (IMRB) 7114 U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555 AND TO THE PAPERWORK REDUCTION PROJECT (3150-0120) OFFICE OF MANAGEMENT AND BUDGET WASHINGTON DC 20503

INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATIONS FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

U.S. NUCLEAR REGULATORY COMMISSION
DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY, NMSS
WASHINGTON, DC 20555

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS, IF YOU ARE LOCATED IN:

CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:

U.S. NUCLEAR REGULATORY COMMISSION, REGION I
NUCLEAR MATERIALS SAFETY SECTION B
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

U.S. NUCLEAR REGULATORY COMMISSION, REGION II
NUCLEAR MATERIALS SAFETY SECTION
101 MARIETTA STREET, SUITE 2900
ATLANTA, GA 30323

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

U.S. NUCLEAR REGULATORY COMMISSION, REGION III
MATERIALS LICENSING SECTION
799 ROOSEVELT ROAD
GLEN ELLYN, IL 60137

ARKANSAS, COLORADO, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, SOUTH DAKOTA, TEXAS, UTAH, OR WYOMING, SEND APPLICATIONS TO:

U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
MATERIAL RADIATION PROTECTION SECTION
811 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TX 76011

ALASKA, ARIZONA, CALIFORNIA, HAWAII, NEVADA, OREGON, WASHINGTON, AND U.S. TERRITORIES AND POSSESSIONS IN THE PACIFIC, SEND APPLICATIONS TO:

U.S. NUCLEAR REGULATORY COMMISSION, REGION V
NUCLEAR MATERIALS SAFETY SECTION
1450 MARIA LANE, SUITE 210
WALNUT CREEK, CA 94696

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTION.

1. THIS IS AN APPLICATION FOR (Check appropriate item):

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER _____
- C. RENEWAL OF LICENSE NUMBER 52-21082-01

2. NAME AND MAILING ADDRESS OF APPLICANT (Include Zip Code):
*GUILLERMO VELASQUEZ M.D.
959 AMERICO MIRANDA
REPARTO METROPOLITANO
(RIO PIEDRAS) SAN JUAN P.R. 00921*

3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED:

SAME AND ONLY ONE

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION:

MYSELF

TELEPHONE NUMBER:

*809 751 0103
751 6476*

SUBMIT ITEMS 5 THROUGH 11 ON 8 1/2 x 11 PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL
a. Element and mass number, b. chemical and/or physical form, and c. maximum amount which will be possessed at any one time.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED:

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE:

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS:

9. FACILITIES AND EQUIPMENT:

10. RADIATION SAFETY PROGRAM:

11. WASTE MANAGEMENT:

12. LICENSEE FEES (See 10 CFR 170 and Section 170.31)
FEE CATEGORY: _____ AMOUNT ENCLOSED \$ _____

13. CERTIFICATION (Must be completed by applicant): THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, AND 40 AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948, 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

SIGNATURE, CERTIFYING OFFICER <i>[Signature]</i>	TYPED/PRINTED NAME <i>GUILLERMO VELASQUEZ M.D.</i>	TITLE <i>OPHTHALMOLOGIST</i>	DATE <i>12-4-92</i> <i>12-</i>
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FOR NRC USE ONLY

TYPE OF FEE <i>App.</i>	FEE LOG <i>Dec. 5</i>	FEE CATEGORY <i>7C</i>	COMMENTS
AMOUNT RECEIVED <i>\$400+</i>	CHECK NUMBER <i>360</i>		<i>App. fee had been paid with Annual fee; when small entity form was processed, reimbursement should up.</i>
APPROVED BY <i>[Signature]</i>	DATE <i>8/3/93</i>		DATE <i>7/26/93</i>

12-4-92

Guillermo Velásquez, M.D.

OFTALMOLOGO

ESPECIALISTA EN ENFERMEDADES

Y CIRUGIA DE LOS OJOS

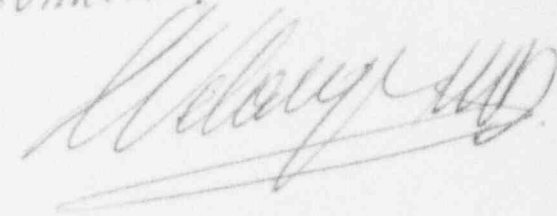
APPLICATION FOR RENEWAL

FOR LICENCE OF STRONTIUM-90 (BETA RAD.)

ITEMS 5 TO 11, ON NRC FORM 313

- # 5 - STRONTIUM-90 A 125 MILICURIES
SEALED SOURCE
- # 6 - PURPOSE: TREATMENT OF SUPERFICIAL EYE CONDITIONS.
(USUALLY POST SURGERY OF PTERYGIUM)
- # 7 - INDIVIDUAL RESPONSIBLE: MYSELF, G. VELASQUEZ M.D.
- # 8 - TRAINING: AT THE PUERTO RICO MEDICAL CENTER
- # 9 - FACILITIES AND EQUIPMENT: ONLY STRONTIUM-90
AND KEPT IN A LEADED BOX WITHIN A LOCK CABINET
AND HANDLED BY MYSELF ONLY.
- # 10 - RADIATION SAFETY PROGRAM:
THROUGH SANTIAGO GOMEZ - RADIATION PHYSICS COUNS.
P.R. MEDICAL CENTER
- # 11 - WASTE MANAGEMENT: N/A
- 12 - LICENCE FEE CATEGORY: PRIVATE PRACTICE PHYSICIAN
WITH GROSS ANNUAL RECEIPTS LESS THAN \$250,000

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.

GUILLERMO VELASQUEZ M.D.


CHECK #7395 SUBMITTED
\$400⁰⁰

12-4-92

Guillermo Velásquez, M.D.

OFTALMOLOGO

ESPECIALISTA EN ENFERMEDADES

Y CIRUGIA DE LOS OJOS

To US NUCLEAR REGULATORY COMMISSION:

Dear Sirs:

As I have just spoken again to one of the officers from Atlanta, I want to apologize for not sending the renewal of the licence for the STRONTIUM-90 on time. The real reason was that by mistake I did not sign the paper for private practice making under \$500,000⁰⁰ and I was being charged \$3,500⁰⁰ for the 91 fee and I wanted to discontinue the Beta Radiation being conscious that it is the best for the patients (especially with your high standards and control). I am conscious despite all, that I am a violator although not on purpose especially not doing it on time. The fee at present is very logical.

Thanks again for giving me the opportunity to continue with the licence restoration again if approved.

Sincerely yours

GUILLERMO VELASQUEZ M.D.

Lic# 52-21082-01

JAN 13 1993

Dr. Guillermo Velasquez
959 Americo Mirando
Reparto Metropolitano
(Rio Piedras) San Juan, Puerto Rico 00921

Gentlemen:

This refers to your application dated December 4, 1992, for renewal of Materials License 52-21082-01, which expired August 31, 1992.

We received your check for \$400. Your application, however, is subject to an application fee of \$760 as specified in §170.31 and Footnote 1(a) of 10 CFR 170. Enclosed is a copy of the July 23, 1992, Federal Register notice containing the Commission's revised fee regulations which went into effect August 24, 1992. Footnote 1(a) states in part that "... applications to reinstate expired licenses and approvals, except those subject to fees assessed at full cost, must be accompanied by the prescribed application fee for each category,..." Payment of the additional \$360 should be made to the U.S. Nuclear Regulatory Commission and mailed to the following address:

U.S. Nuclear Regulatory Commission
Shirley Crutchfield
License Fee and Debt Collection Branch, OC/DAF
Mail Stop MNBB 4503
Washington, DC 20555

Your application will be processed by the Region II Licensing staff located at 101 Marietta Street, Suite 2900, Atlanta, GA 30323. The additional fee, however, is required prior to issuance of the license. When submitting the fee, please refer to CONTROL NUMBER 255075.

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

Sincerely,

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Shirley Crutchfield
License Fee and Debt Collection Branch
Division of Accounting and Finance
Office of the Controller

Enclosure:
July 23, 1992 Federal Register notice

cc: Region II

DISTRIBUTION:
Pending Fee File
OC/DAF/R/F
LFDCB R/F (2)

OFFICE: LFDCB *AC* LFDCB *M*
NAME: SCrutchfield MMESSIER
DATE: 1/13/93 1/13/93

RCJ/A:\VELASQU.EXP

Advisory Committee on Reactor Safeguards, Subcommittee on Materials and Metallurgy; Meeting

The ACRS Subcommittee on Materials and Metallurgy will hold a meeting on August 16, 1993, room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Monday, August 16, 1993—12 Noon
Until the Conclusion of Business*

The Subcommittee will review proposed rulemaking on fracture toughness requirements for reactor pressure vessels—revisions to 10 CFR 50.61, Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events, Appendix G, Fracture Toughness Requirements, Appendix H, Reactor Vessel Material Surveillance Program Requirements, and a new rule on Reactor Vessel Thermal Annealing (10 CFR 50.66). The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS

staff engineer, Mr. Elpidio Igne (telephone 301/492-8192) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: July 26, 1993.

San Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93-18349 Filed 7-30-93; 8:45 am]

BILLING CODE 7590-01-01

[Docket No. 030-19747, License No. 52-21082-01 EA 93-078]

Guillermo Velasquez, M.D., San Juan, Puerto Rico; Order To Transfer Licensed Materials (Effective Immediately) and Demand for Information

I

Guillermo Velasquez, M.D. (Licensee) is the holder of expired Byproduct Materials License No. 52-21082-01 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR parts 30 and 35 on September 3, 1982. The License authorized the use of strontium-90 for ophthalmic radiotherapy in accordance with the conditions specified therein. The License was renewed in its entirety on August 21, 1987, and expired on August 31, 1992. Since the expiration of the License, the byproduct material has remained in the possession of the Licensee, who does not have a license for possession of this material.

II

The Licensee did not submit an application for renewal of the License under 10 CFR 30.37 prior to its expiration, nor did the Licensee notify the Commission, in writing under 10 CFR 30.36, of a decision not to renew the License. Therefore, on September 11, 1992, NRC Region II issued a Notice of Violation (NOV) to the Licensee for failure to request renewal prior to expiration of the License or file a notice of non-renewal or transfer of the byproduct material. The letter forwarding the NOV directed the Licensee to place the strontium-90 in storage and not to use the material until the Licensee obtained a new NRC license, or to transfer the material to an authorized recipient if adequate storage was not available, or to submit an NRC Form 314 to the NRC if the Licensee chose to dispose of the byproduct material. The Licensee responded on

December 4, 1992, requesting renewal of this License; however, the Licensee did not provide the appropriate licensing fee. Thus, no action was taken by NRC to renew the license and the Licensee was notified to submit the renewal fee.

The NRC performed a routine inspection at Licensee's facility in Rio Piedras, Puerto Rico on February 24, 1993, one purpose of which was to determine the status of the strontium-90 source. This inspection revealed that the Licensee had continued to use the material after expiration of the License and after receipt of the NRC letter and NOV dated September 11, 1992, which directed the Licensee to place the material in storage and not use the material until a new license was obtained.

As a result of the inspection, a Confirmation of Action Letter (CAL) was issued to the Licensee by NRC Region II on February 26, 1993. The CAL confirmed the Licensee's voluntary agreement to:

1. Immediately discontinue the use of the strontium-90 eye applicator and place it in locked storage until further notice by NRC Region II.

2. Prior to transfer of the source to another person or any future use of the source, have the source tested for leakage by a person authorized to perform the test, and send the results of the test to NRC Region II immediately after they are received by the Licensee.

In April and May 1993, the NRC Office of Investigations conducted an investigation of the circumstances regarding the Licensee's use of the source after the License expired and after receiving notification from the NRC to discontinue use of the material until a new NRC license was obtained. As a result of this investigation, it was determined that on at least 19 occasions, between September 11, 1992, and February 19, 1993, the Licensee, with the understanding that it was not to use the source, willfully used the strontium-90 source for ophthalmic radiotherapy. In addition, the investigation confirmed that the Licensee deliberately provided false information to the NRC inspector during the routine inspection conducted at the Licensee's facility on February 24, 1993. The Licensee told the inspector that the Licensee had not used the strontium-90 for ophthalmic radiotherapy since receiving the Notice of Violation issued September 11, 1992, when in fact the Licensee had used it at least 19 times as recently as five days prior to the inspection.

III

Based on the above, it appears that the Licensee has willfully violated NRC requirements and provided false information to NRC inspectors. The Commission must be able to rely on its licensees to provide complete and accurate information. Willful violations are of particular concern to the Commission because they undermine the Commission's reasonable assurance that licensed activities are being conducted in accordance with NRC requirements and with the utmost integrity. Strontium-90 eye applicators are designed to deliver intense doses of beta radiation for the treatment of certain eye diseases. A sealed source of approximately 100 millicuries delivers a contact dose rate on the order of 60 rad per second. Improper handling can result quickly in a radiation dose in excess of NRC limits. The Atomic Energy Act and the Commission's regulations require that material possessed by the Licensee be under a regulated system of licensing and inspection. The Licensee, by continuing to use material after being notified of the expiration of the License, and by deliberately providing false information, has demonstrated that the Licensee is not willing to comply with Commission requirements.

Consequently, the public health and safety and interest require the imposition of the requirements set forth in Section IV below. Furthermore, pursuant to 10 CFR 2.202, I have determined that the significance of the Licensee's actions described above, specifically, the willful use of licensed material after expiration of the License and after NRC notification to discontinue use of the material and the Licensee's deliberate false statements to Commission officials regarding that use are such that the public health, safety, and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to section 81, 161b, 161i, 161o, 162 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations at 10 CFR 2.202 and 10 CFR parts 30 and 35, it is hereby ordered, effective immediately, that:

A. No use of the strontium 90 source is authorized, except for performance of the pre-transfer leak test and transfer to an authorized recipient.

B. The Licensee continue to maintain safe control over the strontium-90 source, by keeping the source in locked storage and not allowing any person access to the source until the source is

leak tested and transferred to a person authorized to receive and possess the source.

C. The strontium-90 source shall be transferred to a person authorized to receive and possess the source within 45 days of the date of this Order. If the Licensee believes it does not have sufficient funds to complete the transfer, it must provide, within 30 days of this Order, evidence supporting such a claim by submitting to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555: (1) An estimate of the cost of the transfer and the basis for the estimate, including the license number and identity of the person who would perform the transfer, (2) written statements from at least two banks stating that Dr. Velasquez or the Licensee could not qualify for a loan to pay for the transfer, (3) copies of Federal income tax returns for the years ending 1992, 1991, and 1990, for Dr. Velasquez and the Licensee's business practice, (4) copies of profit and loss statements for the business practice for those same years, and (5) a signed agreement to allow the NRC to receive the Licensee's credit information from a credit agency. A submittal of evidence of lack of sufficient funds does not excuse compliance with this order unless this order is relaxed.

D. Unless the source already has been transferred, the Licensee shall provide a written update within 30 days of receipt of this Order to the Regional Administrator, Region II, and the Director, Office of Enforcement, on Licensee's progress in finding an authorized person to receive and possess the source.

E. The strontium-90 source shall be tested for leakage by a person authorized to perform the test prior to transfer of the source to another person, if a leak test has not been performed within the last six months prior to transfer.

F. The Licensee shall notify the NRC by telephone at least two working days prior to the date of the transfer of the source so that the NRC may, if it elects, observe the transfer of the source to the authorized recipient.

G. The Licensee, within seven days following completion of the transfer, shall provide to the Regional Administrator, Region II: (1) Confirmation in writing and under oath (NRC Form 314) that the strontium-90 source has been transferred, (2) a copy of the leak test performed prior to the transfer, and (3) a copy of the certification from the authorized recipient that the source has been received.

The Regional Administrator, NRC Region II, may, in writing, relax or rescind any of the above conditions upon a showing by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order, may, submit an answer to this Order, and may request a hearing on this Order within 20 days of the date of this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons why the Order should not have been issued. An answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region II, 101 Marietta Street, NW, suite 2900, Atlanta, Georgia 30323, and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer

or request for hearing shall not stay the immediate effectiveness of this order.

VI

In addition to issuance of this Order, the Commission requires further information from the Licensee in order to determine whether the Commission can have reasonable assurance that in the future, should the Licensee perform licensed activities under any other NRC license, the Licensee will conduct any NRC licensed activity in accordance with NRC requirements.

Accordingly, pursuant to sections 161c, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 30.32(b), you are hereby required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the date of this Order, a statement in writing, under oath or affirmation, of:

Why the NRC should have confidence that you will comply with NRC requirements in the event that you perform licensed activities under another NRC license, and that you will provide complete and accurate information to the NRC concerning any licensed activities.

This information is needed in light of the willful violations of Commission requirements and the false information deliberately provided. Copies of the response to this Demand for Information also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region II, 101 Marietta Street, NW., suite 2900, Atlanta, GA 30323. After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated at Rockville, Maryland this 21st day of July 1993.

For the Nuclear Regulatory Commission,
Hugh L. Thompson, Jr.,
Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support

[FR Doc. 93-18347 Filed 7-30-93; 8:45 am]
 BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A

and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sherry Turpenoff, (202) 606-0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on July 6, 1993 (58 FR 36224). Individual authorities established or revoked under Schedules A and B and established under Schedule C between June 1 and June 30, 1993, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30, 1993, will also be published.

Schedule A

No Schedule A authorities were established or revoked during June 1993.

Schedule B

No Schedule B authorities were established or revoked during June 1993.

Schedule C

Action

Special Assistant to the Director of Action. Effective June 1, 1993.

Department of Agriculture

Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective June 1, 1993.

Confidential Assistant to the Director, Intergovernmental Affairs. Effective June 1, 1993.

Confidential Assistant to the Assistant Secretary for Marketing and Inspection Services. Effective June 9, 1993.

Private Secretary to the Assistant Secretary for Natural Resources and Environment. Effective June 9, 1993.

Confidential Assistant to the Director, Office of Public Affairs. Effective June 9, 1993.

Confidential Assistant to the Secretary of Agriculture. Effective June 14, 1993.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective June 18, 1993.

Confidential Assistant to the Manager, Federal Crop Insurance Corporation. Effective June 18, 1993.

Confidential Assistant to the Administrator, Foreign Agricultural Service. Effective June 18, 1993.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective June 21, 1993.

Special Assistant to the Administrator, Farmers Home Administration. Effective June 21, 1993.

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective June 25, 1993.

Confidential Assistant to the Assistant Secretary for Food and Consumer Services. Effective June 30, 1993.

Confidential Assistant to the Executive Assistant to the Secretary. Effective June 30, 1993.

Department of the Air Force (DOD)

Staff Assistant (Typing) to the Assistant to the Vice President for National Security Affairs. Effective June 16, 1993.

Department of Commerce

Confidential Assistant to the Deputy Under Secretary for International Trade, International Trade Administration. Effective June 3, 1993.

Confidential Assistant to the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration. Effective June 3, 1993.

Confidential Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration. Effective June 3, 1993.

Congressional Liaison Specialist to the Director, Office of Legislative and Intergovernmental Affairs. Effective June 3, 1993.

Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy, International Trade Administration. Effective June 3, 1993.

Confidential Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration. Effective June 3, 1993.

Confidential Assistant to the Under Secretary for International Trade, International Trade Administration. Effective June 3, 1993.

Special Assistant to the Under Secretary for International Trade, International Trade Administration. Effective June 3, 1993.

Confidential Assistant to the Director, Office of Public Affairs, International Trade Administration. Effective June 3, 1993.

Special Assistant to the Director, Minority Business Development Agency. Effective June 4, 1993.

Confidential Assistant to the Deputy Assistant Secretary for Administration. Effective June 4, 1993.

Special Assistant to the Director General of the United States and Foreign Commercial Service, International Trade Administration. Effective June 4, 1993.

Special Assistant to the General Counsel. Effective June 9, 1993.