



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

May 2, 2023

Elizabeth Zayas-Ortiz

For the estate of Frank S. Kolodziej Castro MD
International Cyclotron, Inc.
c/o Ashford Avenue 888 PH
San Juan, PR 009078

**SUBJECT: INTERNATIONAL CYCLOTRON, INC. REQUEST FOR ADDITIONAL
INFORMATION, MAIL CONTROL NO. 144277**

Dear Ms. Zayas-Ortiz:

This is in reference to NRC License No. 52-31352-02, issued to International Cyclotron, Inc. for the activities formerly performed with a cyclotron by Dr. Frank Kolodziej. This license remains in effect for decommissioning of the cyclotron only. We understand that Dr. Kolodziej passed away in January 2023, and the facility containing the cyclotron at Calle José Martí #56, Hato Rey, Puerto Rico is part of the estate.

Based on a site visit at the facility by Shawn Seeley of our office on June 22, 2022, we understand that Dr. Kolodziej was unable to oversee the facility by that time, and you were then the responsible party for the facility. Therefore, this letter is addressed to you. Based on your discussions with Gustave Woerner of the NRC by telephone in April 2023, we understand that the facility is part of the estate, and there is an interest in selling the facility. If there is now another person managing settlement of the estate, with whom we should be communicating issues related to the International Cyclotron facility, please provide us with a name and contact information for that person.

This license was issued August 20, 2009, as a result of the Energy Policy Act of 2005, which gave the NRC jurisdiction over cyclotrons producing radioactive materials. This NRC license required the provision of financial assurance for decommissioning. Financial assurance was not provided; therefore, an Order was issued by the NRC, effective February 17, 2012, requiring that all NRC licensed activities stop until financial assurance was provided. Financial assurance still was not provided so the cyclotron was not re-started. In addition, annual fees for this NRC license were not paid. On April 5, 2016, the NRC issued an Order revoking the NRC license for non-payment of fees. In accordance with 10 CFR 30.36(c), a license continues in effect with respect to possession of licensed material, limited to actions related to decommissioning. Because the cyclotron facility has not completed decommissioning, the NRC license is still in effect.

As part of the decommissioning in 2019, all remaining discrete radioactive sources at the Hato Rey location were removed from the facility during a "source round-up" coordinated by the Conference of Radiation Control Program Directors. The former RSO for International Cyclotron confirmed at that time that no unsealed materials or radioactive waste remained at the facility, other than incidentally activated materials associated with the cyclotron. Additional

E. Zayas-Ortiz

decommissioning of the cyclotron facility is still necessary because of the incidentally activated components of the cyclotron. Most of the radionuclides are short-lived, but a few remain radioactive for years. Based on conservative calculations performed by the NRC in 2019, we determined that most of the cyclotron components are no longer of concern. However, the target holder and target materials inside the cyclotron may still be of concern due to the radionuclides remaining in them. It is unknown what the status of the target and target holder were at the time of shutdown of the cyclotron in 2012, and that area of the cyclotron has been inaccessible since the loss of power to the facility.

Decommissioning of the facility (specifically the cyclotron area) must be completed prior to sale of the facility unless the purchaser obtains a license from the NRC and agrees to accept the facility with the cyclotron and any residual radioactive materials. Full disclosure of this requirement should be made to any potential buyers.

At this time, there are two options for completion of decommissioning of the facility:

1. Based on a dose evaluation performed by the NRC in 2019 (ADAMS Accession No. ML19329A086), due to decay of the activated materials in the cyclotron, residual radioactivity would be reduced to acceptable levels by the end of December 2025, and the NRC would release the property for unrestricted use at that time. If the property is retained by the estate until that time, it could be sold without further licensing activities or restrictions.
2. Further decommissioning of the cyclotron must be performed if the facility is to be released for unrestricted use prior to December 2025. This would require persons knowledgeable of cyclotron operations and radiation surveys to perform removal of remaining residual radioactive materials. Persons who perform this activity must be licensed by the NRC or an Agreement State to do those activities. Of particular concern is the removal of the target holder and its contents, located inside the cyclotron itself.

We would very much like to discuss the activities at the International Cyclotron, Inc. facility in Hato Rey as you continue to work to maintain the facility. Please contact Betsy Ullrich of my office by telephone at 240-704-4575 or by electronic mail (email) to Elizabeth.Ullrich@nrc.gov to discuss the status of the facility and issues related to decommissioning of the cyclotron.

If you prefer to reach us by regular mail, letters should be sent to:

USNRC, Region I
Division of Radiological Safety and Security
475 Allendale Road – Suite 102
King of Prussia, PA 19406

Letters may also be attached to an email sent to: R1DRSSMail.Resource@nrc.gov
The email should refer to Betsy Ullrich as the contact person.

An electronic version of the NRC's regulations is available on the NRC Web Site at: www.nrc.gov. Additional information regarding use of radioactive materials may be obtained on the NRC Web Site at: <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also

provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web Site at: <http://www.nrc.gov/reading-rm/adams.html>. Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

If you have any questions regarding this request for additional information, please contact Betsy Ullrich at 240-704-4575 or by email to Elizabeth.Ullrich@nrc.gov.

Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

License No. 52-31352-02
Docket No. 030-37597
Mail Control No. 144277

INTERNATIONAL CYCLOTRON, INC. REQUEST FOR ADDITIONAL INFORMATION, MAIL CONTROL NO. 144277 DATED MAY 2, 2023

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SUNSI Review Complete: Betsy Ullrich

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