



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 12, 2012

Docket No. 030-37957  
Control No. 144277

License No. 52-31352-02

Frank Kolodziej, M.D.  
President/Chief Executive Officer  
International Cyclotron, Inc.  
Calle José Martí #56  
Floral Park  
Hato Rey, PR 00918

SUBJECT: INTERNATIONAL CYCLOTRON, INC., REQUEST FOR ADDITIONAL  
INFORMATION CONCERNING FINANCIAL ASSURANCE FOR LICENSE NO.  
52-31357-02, CONTROL NO. 144277

Dear Dr. Kolodziej:

This is in reference to your letter dated December 23, 2012, informing us that you were obtaining insurance coverage as your financial assurance instrument in support of the Nuclear Regulatory Commission License No. 52-31352-02. This also refers to the telephone conversation between you and Judy Joustra and Betsy Ullrich of this office on January 12, 2012. In order to continue our review, we need the following additional information:

In your letter, you stated that proof of the insurance would be sent in a separate mailing from the insurance company. At this time, we have not received any documentation of the insurance policy. In accordance with guidance in NRC's NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 3, "Financial Assurance, Recordkeeping and Timeliness" (NUREG-1757, Volume 3) the following information is needed in order to use an insurance policy as a financial assurance instrument:

- a. Appendix A.12 requires that you submit to the NRC an originally signed duplicate of the insurance policy;
- b. A standby trust agreement with all supporting documents as specified in NUREG-1757, Volume 3, Appendix A.17, including:
  - i. Originally signed duplicate standby trust agreement (Appendix A.17.4);
  - ii. Schedules A, B, and C (Appendix A.17.5);
  - iii. Specimen certificate of events (Appendix A.17.6);
  - iv. Specimen certificate of resolution (Appendix A.17.7);
  - v. Letter of acknowledgement (Appendix A.17.8); and
  - vi. Checklist 17-B if model standby trust wording is not used.
- c. Checklist 12-B, "Terms and Conditions Needed in Decommissioning Insurance Policies", found in NUREG-1757, Volume 3, Appendix A.12 that verifies if your

insurance policy meets the minimum requirements listed.

- d. Confirmation that the insurance company is licensed by State regulator authorities to transact business as an insurer in one or more US States.
- e. The amount of the insurance policy must equal or exceed the required coverage level (\$493,086.54 based on 2011 information)

Copies of Appendices A.12 and A.17 are enclosed for your information. NUREG-1757, Volume 3 can also be found on the NRC's public website at [//www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/v3/](http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/v3/) and contains guidance for all the acceptable financial assurance instruments.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 144277. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5040.

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

Sincerely,

***Original signed by Elizabeth Ullrich***

Betsy Ullrich  
Senior Health Physicist  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosures:

1. NUREG-1757, Volume 3, Appendix A.12
2. NUREG-1757, Volume 3, Appendix A.17

cc:

David Rhoe, Radiation Safety Officer (business address)  
David Rhoe, Radiation Safety Officer (home address)  
Frank Kolodziej, M.D., home address  
Frank Kolodziej, M.D., Somascan address  
Jorge E. Rivera,

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**SUNSI Review Complete: EUllrich**

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