

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-09075; NRC-2012-0277]

**Issuance of Materials License and Record of Decision for Powertech (USA) Inc., Dewey-Burdock Facility**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License and record of decision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a license to Powertech (USA) Inc. (Powertech (USA)) for its Dewey-Burdock Uranium *In-Situ* Recovery (ISR) Facility in Fall River and Custer Counties, South Dakota. Materials License SUA-1600 authorizes Powertech (USA) to operate its facilities as proposed in its license application, as amended, and to possess uranium source and byproduct material at the Dewey-Burdock Facility. Furthermore, Powertech (USA) will be required to operate under the conditions listed in Materials License SUA-1600. In addition, the NRC staff has published a record of decision (ROD) that supports the NRC's decision to approve Powertech (USA)'s license application for the Dewey-Burdock Facility and to issue the license.

**ADDRESSES:** Please refer to Docket ID NRC-2012-0277 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0277. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this document entitled, **SUPPLEMENTARY INFORMATION**.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Ron Burrows, Office of Federal and State Materials and Environmental

Management Programs, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-6443; email: [Ronald.Burrows@nrc.gov](mailto:Ronald.Burrows@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC has issued a license to Powertech (USA) Inc. (Powertech (USA)) for its Dewey-Burdock Uranium *In-Situ* Recovery (ISR) Facility in Fall River and Custer Counties, South Dakota. Materials License SUA-1600 authorizes Powertech (USA) to operate its facilities as proposed in its license application, as amended, and to possess uranium source and byproduct material at the Dewey-Burdock Facility. Furthermore, Powertech (USA) will be required to operate under the conditions listed in Materials License SUA-1600. The NRC staff's ROD that supports the NRC's decision to approve Powertech (USA)'s license application for the Dewey-Burdock Facility and to issue the license is available in ADAMS under Accession No. ML14066A466.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," the details with respect to this action, including the SER and accompanying documentation and license, are available electronically in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

1	Applicant's Application, February 28, 2009	ML091200014
2	Generic Environmental Impact Statement for <i>In-Situ</i> Leach Uranium Milling Facilities, May 2009	ML091530075
3	Resubmission of Application, August 10, 2009	ML092870160
4	Response to Request for Additional Information, August 12, 2011	ML102380530
5	Response to Request for Additional Information, June 28, 2011	ML112071064
6	Ground Water Model, February 27, 2012	ML120620195
7	Clarification of Oxidation-Reduction Potential Measurement, April 11, 2012	ML121030013
8	Clarification of Regional Meteorological Data, June 13, 2012	ML12173A038
9	Clarification of Response to Request for Additional Information, June 27, 2012	ML12179A534
10	Supplemental Sampling Plan and Responses to Comments Regarding Draft License; October 19, 2012.	ML12305A056
11	Comments on Draft Supplemental Environment Impact Statement, January 8, 2013	ML13022A386
12	Supplemental Environmental Impact Statement for the Dewey-Burdock ISR Facility in Fall River and Custer Counties, South Dakota, January 31, 2014.	ML14024A477
13	Programmatic Agreement for Protection of Cultural Resources, Executed April 7, 2014	ML14024A478
14	NRC Safety Evaluation Report, April 8, 2014	ML14066A344
15	Source Materials License for Dewey-Burdock, April 8, 2014	ML14043A347
15	NRC Staff's Record of Decision, April 8, 2014	ML14043A392
		ML14066A466

Dated at Rockville, Maryland, this 8th day of April, 2014.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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**NUCLEAR REGULATORY COMMISSION**

[EA-13-059; NRC-2014-0084]

**In the Matter of Centro de Medicina Nuclear**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Order; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an order imposing civil monetary penalty of \$7,000 to Centro de Medicina Nuclear. The order requires Centro de Medicina Nuclear to pay the civil penalty or request a hearing within 30 days of the date of the Order.

**DATES:** *Effective Date:* See attachment.

**ADDRESSES:** Please refer to Docket ID NRC-2014-0084 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0084. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One

White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:**

Leelavathi Sreenivas, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-1285, email: [Leelavathi.Sreenivas@nrc.gov](mailto:Leelavathi.Sreenivas@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated at Rockville, Maryland, this 8th day of April 2014.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Enforcement.*

In the Matter of Centro de Medicina Nuclear, Santurce, Puerto Rico, Docket No. 03031963, License No. 52-25127-01, EA-13-059

**Order Imposing Civil Monetary Penalty**

**I**

Centro de Medicina Nuclear (Licensee) is the former holder of Materials License 52-25127-01, issued by the U.S. Nuclear Regulatory Commission (NRC) on November 30, 1990. The license had authorized the Licensee to possess and use unsealed byproduct material for medical uses and sealed sources for instrument calibration in accordance with the conditions specified therein. The Licensee was issued an NRC Order Revoking License on August 7, 2012, for non-payment of the NRC annual license fee. The Order specified that if the fee was not paid within 20 days, the license was to be revoked and the Licensee was to perform a number of actions. Because the Licensee did not pay the fee within the allotted timeframe, the license was, in fact, revoked on August 28, 2012.

**II**

The Licensee was required to either pay the fee or respond to the Order by August 28, 2012, and to perform specified actions toward initiating site decommissioning which included: (1) Arranging for disposal or transfer of any licensed material possessed under the license; (2) within 5 days after disposal, providing the NRC written reports describing how, where, and when such disposition took place; (3) within 60 days from the date of revocation, initiating site decommissioning; and (4) no later than the date of revocation, submitting to the NRC a written report that includes: (a) A listing of all licensed materials disposed of, transferred, or still in possession; (b) a description of the conditions of storage of retained materials and actions being taken to control access to the material; and (c) for any licensed material not disposed of or

transferred, a description of the actions taken to attempt to dispose of or transfer the licensed material and why those actions were unsuccessful.

After the Licensee did not respond to the Order, an NRC inspector visited the site on January 17, 2013, and confirmed that the Licensee's radioactive sources were secure. During that visit, the Licensee representative informed the inspector that the Licensee had no specific timeframes planned to take the actions required by the Order. In a May 16, 2013, letter, the NRC documented the observations from the January site visit, and provided the Licensee 30 additional days to take the actions required by the Order (initiating site decommissioning and submitting a written report with the status of CDM's licensed materials and actions taken to dispose of or transfer the materials). Based on the Licensee's subsequent failure to respond to either the NRC letter or to telephone messages left by NRC staff, the NRC concluded that the Licensee continued to be in violation of NRC requirements.

**III**

The NRC served a written Notice of Violation and Proposed Imposition of Civil Penalty (Notice), stating the violation and the amount of the civil penalty proposed for the violation upon the Licensee by letter dated November 5, 2013. A response to the Notice was required within 60 days of the date of the letter transmitting the Notice (i.e., by January 4, 2014). However, the NRC also informed the Licensee that if it transferred or disposed of its licensed material within those 60 days, the NRC would forgo imposition of any civil penalty.

After the Licensee did not respond to the Notice, an NRC inspector visited the facility on January 29, 2014, and again ascertained that the licensed material inventory was unchanged and verified that the material was properly secured. NRC staff also participated in a telephone conversation with a Licensee representative on January 29, 2014, during which the Licensee representative stated that he had been granted power of attorney over the affairs of the Licensee owner, and had only recently been made aware of the NRC enforcement action. The Licensee representative agreed to obtain cost estimates for disposal of the licensed material. During subsequent conversations on February 24, 2014, the Licensee informed the NRC that it had not disposed of the licensed material because CDM did not have sufficient funds to do so.