



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4352

MAY 20 2005

Brian Wichman, M.S.
Radiation Safety Officer
Kansas City Cancer Centers - South
1000 E. 101st Terrace
Kansas City, MO 64131

Dear Mr. Wichman:

Enclosed is Amendment No. 01 to your NRC Material License No. 24-32517-01 in accordance with your request.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Daniel Keleti, M.D., was not approved as an authorized user for the use of materials in Subitem Nos. 6.A. through 6.D. of your license (i.e., materials included in 10 CFR 35.300) because his application did not adequately support his request for this type of use and his continuing education did not appear to completely meet the requirements in 10 CFR 35.59.

Dr. Keleti obtained his specialty board certification in 1995, more than 7 years preceding the date of application, March 1, 2005, and he must demonstrate compliance with 10 CFR 35.59, "Recentness of training."

As noted in the enclosed excerpts taken from NRC's Regulatory Issue Summary 2004-17, copy enclosed from our website at <http://www.nrc.gov>:

"In evaluating the adequacy of "related continuing training and experience" to determine compliance with 10 CFR 35.59, the NRC staff considers the training and experience criteria specified in the applicable regulations, and whether the continuing training and experience would further competency in those areas.....Whether the number of hours and types of continuing education and clinical experience are adequate will depend on the period of time the individual has not been involved in licensed activities and how closely the individual's recent educational and work experience are related to the proposed area of medical use....When reviewing the description of the continuing training and experience of an individual, NRC considers the individual's recent training and experience with respect to the following....Each topic for the appropriate medical use in 10 CFR 35.390(b)(1); 35.930(b)....."

The continuing education described by Dr. Keleti in the letter dated May 12, 2005, does not appear to align with the guidance above. Also, no relevant work experience is noted for Dr. Keleti in the approximate ten-years since he obtained his specialty board certification.

Please submit information demonstrating that Dr. Keleti has obtained related continuing education and/or work experience since the required training and experience, i.e., specialty board certification, was completed in 1995. Please show sufficient detail to clearly correlate Dr. Keleti's

related continuing education and/or work experience with the guidance excerpted above from RIS 2003-17. To facilitate proper handling, address your response to my attention as "additional information to control number 314259."

Please do not submit resumes, CV's, or personal, proprietary information that we must protect, in accordance with 10 CFR 2.390, such as social security numbers, dates of birth, home addresses or phone numbers, patient records, college transcripts, etc. Please do not submit extraneous documents.

Please refer to the above regulatory requirements as well as section 8.11, item 7 and Appendices B, D and E in NUREG 1556, Vol. 9, Final, for assistance in preparing your response.

Please also note that a new rulemaking became effective April 29, 2005, which may affect Dr. Keleti's future re-application, as it changes many key elements in the training and experience criteria in Part 35. More information on this rule should have been sent to you already and is available on our website. If you have further questions concerning this matter please contact me at (630) 829-9841 or (800) 522-3025.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the *General Statement of Policy and Procedure for NRC Enforcement Actions*. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken *when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.*

Sincerely,



Colleen Carol Casey
Materials Licensing Branch

License No. 24-32517-01
Docket No. 030-36583

Enclosures:

1. Amendment No. 01
2. RIS 2003-17