

August 29, 2008

Philip Slocum, D.O., Dean, KCOM
Professor of Medicine
Kirksville College of Osteopathic Medicine
800 West Jefferson Street
Kirksville, MO 63501

SUBJECT: NRC ROUTINE INSPECTION REPORT 030-12369/08-01(DNMS) AND NOTICE
OF VIOLATION – KIRKSVILLE COLLEGE OF OSTEOPATHIC MEDICINE

Dear Dr. Slocum:

This refers to the inspection conducted on August 5, 2008 with continuing NRC review through August 22, 2008. The continuing in-office review included a review of your air effluent discharge program. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of the inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforcement-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice). The violations are being cited in the Notice because they were identified by the NRC.

The first violation involved the failure to monitor for contamination on the external surfaces of packages. Specifically, your location received a Yellow-II labeled radioactive materials package and required contamination surveys were not performed. The second violation involved the failure to secure licensed material from unauthorized removal or access. Specifically on the day of the inspection, your site had approximately 250 microcuries of cerium-141, 250 microcuries of scandium-46 and 250 microcuries of strontium-85 in storage and the door to the storage room was unlocked. Thus, presenting the possibility for an unauthorized individual to remove or gain access to the radioactive material. The third violation involved the failure to ensure commitments concerning the incineration of radioactive material were being implemented as stated in the license. Specifically, your site license contains commitments to a flow rate of 2,550 cubic feet per minute for a period of 480 minutes during incineration. However, the inspector identified that your process typically is conducted with 2,550 cubic feet per minute flow rate for a period of approximately 180 minutes.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. The NRC will use your response, in part,

to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Prior to the inspection, your site had no mechanism to ensure that license committed incineration limits nor NRC regulatory effluent release limits had been exceeded. Although the NRC acknowledges that no regulatory limits had been exceeded, documentation to confirm compliance with effluent limits was not readily available. Therefore, the NRC requests that you include in your written response to the three violations discussed above, a description of actions that you plan to take to clarify your incineration limits for future effluent discharges. It is the NRC's understanding that you planned to submit an amendment request to the NRC changing the radiological limits and conditions for which radioactive effluent discharges will occur at your facility.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

We appreciate your cooperation and will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA

Patrick L. Loudon, Chief
Materials Inspection Branch

Docket No. 030-12369
License No. 24-17210-01

Enclosures:

- 1. Notice of Violation
- 2. Excerpt from NRC Information Notice 96-28

cc: Dr. Neil Sargentini, Radiation Safety Officer

DISTRIBUTION:

See next page

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NAME	PLLouden				
DATE	08/29/08	08/ /08	08/ /08	08/ /08	08/ /08

Letter to Phillip Slocum, D.O., from Patrick L. Loudon dated August 29, 2008.

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Docket File

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NOTICE OF VIOLATION

Kirksville College of Osteopathic Medicine
Kirksville, Missouri

Docket No. 030-12369
License No. 24-17210-01

During an NRC inspection conducted on August 5, 2008 with continuing NRC review through August 22, 2008, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

1. 10 CFR 20.1906(b) requires each licensee to monitor the external surfaces packages labeled with a Radioactive White I, Yellow II, or Yellow III label for: (1) radioactive contamination, unless the package contains only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4; and (2) radiation levels, unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in 10 CFR 71.4 and Appendix A to Part 71.

Contrary to the above, on July 24, 2008, the licensee received a package labeled with a Radioactive Yellow II label during working hours, the package was not exempt from the monitoring requirement for radioactive contamination, and the licensee did not perform the required monitoring. Specifically, the package received by the licensee contained approximately 250 microcuries of cerium-141, 250 microcuries of scandium-46 and 250 microcuries of strontium-85 in a bound/non-volatile form.

This is a Severity Level IV violation (Supplement IV).

2. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, on August 5, 2008, the licensee did not secure from unauthorized removal or limit access to approximately 250 microcuries of cerium-141, 250 microcuries of scandium-46 and 250 microcuries of strontium-85 located in a controlled area onsite.

This is a Severity Level IV violation (Supplement IV).

3. Condition 18 of License No. 24-17210-01 states, in part, that the licensee shall conduct its program in accordance with statements, representations, and procedures in application dated January 7, 2005.

Appendix Q of application dated January 7, 2008 states, in part, that the calculations used for the allowed incineration of Radioactive Materials per Day includes a flow rate of 2,550 cubic feet per minute for 480 minutes.

Contrary to the above, as of August 5, 2008, the licensee's calculation for incineration of Radioactive Materials per Day did not use a flow rate of 2,550 cubic feet per minute for 480 minutes. Specifically, the licensee's conducted incinerations with a flow rate of 2,550 cubic feet per minute for only approximately 180 minutes.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Kirksville College of Osteopathic Medicine is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> to the extent possible, it should not include any personal privacy, proprietary or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 29 day of August 2008