

May 26, 2009

IA-09-035

Dr. Gary D. Kao
[ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: DEMAND FOR INFORMATION

Dear Dr. Kao:

Pursuant to Title 10 Code of Federal Regulations, Part 2, Section 204 (10 CFR 2.204), the enclosed Demand for Information (DFI) is being issued to you to obtain specific information regarding your activities as they relate to activities using byproduct material. Specifically, we are demanding a written list of your current and planned participation in any activities using byproduct material, to be submitted to the Nuclear Regulatory Commission (NRC). In addition, should you decide to perform any activity using byproduct material subsequent to this DFI, inform the NRC 72 hours prior to engaging in such activity. As you are aware, on or about July 2008, the NRC began an inspection and investigation into the 92 reported medical events that occurred between February 2002 and May 5, 2008, at the Veterans Affairs Medical Center, Philadelphia, Pennsylvania. The information obtained thus far has raised concerns regarding your activities as an authorized medical user which warrant issuance of this DFI while the inspection and investigation are still ongoing.

The NRC is requiring this information in order to determine whether additional regulatory action should be taken, at this time, to ensure adequate protection of public health and safety. Please note that the failure to comply with the provisions of this Demand for Information may result in enforcement action.

A copy of this letter, its enclosure, and your response will not be made publicly available at this time. However, if the NRC subsequently issues an enforcement action to you, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, its enclosures, 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). ADAMS is 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. If personal privacy or proprietary information is necessary to provide an acceptable response, 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 information, 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).

In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html> .

Sincerely,

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

Enclosure: As Stated

cc (w/enclosure): Jack L. Gruenstein
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