

July 2, 2012

Habeeb Saleh, Ph.D.  
Director, Medical Physics  
The University of Kansas Cancer Center  
1000 East 101st Terrace  
Kansas City, MO 64131

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03036583/12-001(DNMS) AND  
NOTICE OF VIOLATION – THE UNIVERSITY OF KANSAS CANCER CENTER.

Dear Dr. Saleh:

On May 24 and 25, 2012, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your two addresses of use in Kansas City, Missouri, with continuing in-office review through June 14, 2012. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of the letter dated June 13, 2012, from Dr. Debabrata Bhaduri of your staff requesting a license amendment to place your South facility on standby status. An exit meeting was held between Mr. Geoffrey Warren of my staff and Dr. Bhaduri by telephone on June 14, 2012.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as 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 this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was 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/enforce-pol.html>. The violation concerned the failure to notify the NRC within 60 days that you had not performed principal activities at your South facility for a period of 24 months, as required by Title 10 of the Code of Federal Regulations (CFR) Part 30.36(d)(4). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation.

The root cause of the violation was your staff's lack of knowledge that the notification was required. As corrective action, you have submitted a letter dated June 13, 2012, making the required notification, and requesting that the South facility be placed on standby status. This letter has been provided to the Materials Licensing Branch of the Division of Nuclear Materials Safety in the NRC's Region III office; the licensing staff will contact you regarding the amendment request. As such, you have now made the required notification and are in compliance with NRC requirements.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management 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.

Sincerely,

**/RA/**

Hironori Peterson, Acting Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

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

Enclosure:  
Notice of Violation

cc w/encl: Debabrata Bhaduri, Ph.D.,  
Radiation Safety Officer  
State of Missouri

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management 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.

Sincerely,

*/RA/*

Hironori Peterson, Acting Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

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

Enclosure:  
Notice of Violation

cc w/encl: Debabrata Bhaduri, Ph.D.,  
Radiation Safety Officer  
State of Missouri

DISTRIBUTION w/encl:  
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## NOTICE OF VIOLATION

The University of Kansas Cancer Center  
Kansas City, Missouri

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

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 24 and 25, 2012, with continuing in-office review through June 14, 2012, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (10 CFR) Part 30.36(d)(4) requires that licensees provide notification to the NRC in writing within 60 days after no principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, as of June 16, 2011, the licensee failed to notify the NRC in writing within 60 days after no principal activities had been conducted for a period of 24 months at a building, and the building contained residual radioactivity such that the building was unsuitable for release in accordance with NRC requirements. Specifically, the licensee did not notify the NRC until June 13, 2012, that no principal activities had been performed at the building at 1000 E. 101<sup>st</sup> Terrace in Kansas City, Missouri, and the building contained sealed calibration sources, which are considered to be residual radioactivity.

This is a Severity Level IV violation (Section 6.9).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03036583/12-001(DNMS)," and send it 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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 2nd day of July 2012.

Enclosure