



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, ILLINOIS 60532-4352

September 12, 2018

Mr. Matthew Heeren, J.D.  
Vice President & General Counsel  
Kirksville College of Osteopathic Medicine  
800 W. Jefferson Street  
Kirksville, MO 63501

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-12369/2018001(DNMS) AND  
NOTICE OF VIOLATION – KIRKSVILLE COLLEGE OF OSTEOPATHIC  
MEDICINE

Dear Mr. Heeren:

On August 15, 2018, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Kirksville, Missouri, facility with continued in-office review through August 20, 2018. 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 your compliance with program review and decommissioning timeliness requirements. Mr. Kevin Null of my staff conducted a final exit meeting by telephone with Dr. Singh of your staff on August 20, 2018, to discuss the inspection findings. This letter presents the results of the inspection.

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 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 website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations concerned the licensee's failure to: (1) review the radiation protection program content and implementation on at least an annual basis for calendar years 2015 and 2016, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 20.1101(c); (2) provide notification to the NRC that no principal activities under the license have been conducted for a period of 24 months as required by 10 CFR 30.36(d); and (3) conduct smears for contamination of the radioactive waste storage room on a quarterly basis as required by your NRC license. The violations are cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the enclosed Notice because the inspector identified them.

The inspector determined that the root cause of the first violation was a misunderstanding that Radiation Safety Committee meetings satisfied the requirement. As corrective action to restore compliance and to prevent recurrence, you committed to conducting annual program reviews beginning with a review for calendar year 2017 to be completed before the end of 2018.

The inspector determined that the root cause of the second violation was an unawareness of the requirement. As corrective action to restore compliance and to prevent recurrence, you provided written notification to the NRC on August 24, 2018. In addition, you plan to conduct meetings with the radiation safety officer (RSO) and authorized users to determine if you will maintain or terminate your NRC license. The inspector determined that the root cause of the third violation was due to an oversight of your NRC license requirements which resulted from a lack of conducting licensed activities over the last several years. As corrective action to restore compliance and to prevent recurrence, the RSO conducted smears for contamination in the radioactive waste storage room in August 17, 2018, and the results were negative. In addition, since he now understands this requirement, he will continue performing smears in the future at the required frequency.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notice/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 publicly available without redaction.

Please feel free to contact Mr. Null of my staff if you have any questions regarding this inspection. Mr. Null can be reached at 630-829-9854.

Sincerely,

/RA/

Geoffrey Warren, Acting Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

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

Enclosure:  
Notice of Violation

cc w/encl: Vineet Singh, Ph.D.,  
Radiation Safety Officer  
State of Missouri

Letter to Mr. Matthew Heeren from Geoffrey Warren, dated September 12, 2018

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MEDICINE

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OFFICE	RIII-DNMS	C	RIII-DNMS	C				
NAME	KNull:cl via email		GWarren					
DATE	9/11/2018		9/12/2018					

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Kirksville College of Osteopathic Medicine  
Kirksville, MO

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

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on August 15, 2018, with continued in-office review through August 20, 2018, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

1. Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation

Contrary to the above, as of August 15, 2018, the licensee failed to periodically (at least annually) review its radiation program content and implementation for calendar years 2015 and 2016.

This is a Severity Level IV violation (Section 6.7).

2. 10 CFR 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired,
- (2) The licensee has decided to permanently cease principal activities at the entire site or 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,
- (3) No principal activities under the license have been conducted for a period of 24 months, or
- (4) 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, between approximately December 2015 and August 24, 2018, the licensee failed to notify the NRC that no principal activities under the license had been conducted for a period of 24 months. Specifically, the licensee last used licensed materials in approximately October 2013, so the licensee was required to make this notification to the NRC no later than 60 days after October 2015, or approximately December 2015.

This is a Severity Level IV violation (Section 6.3).

3. Condition 18.A. of NRC Materials License No. 24-17201-01 requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated March 31, 2015.

Item 10e of the March 31, 2015 application, entitled "Survey", states that the licensee will conduct smears for contamination of the radioactive waste storage room on a quarterly basis.

Contrary to the above, from October 22, 2015 through August 15, 2018, the licensee failed to conduct smears for contamination of the radioactive waste storage room on a quarterly basis.

This is a Severity Level IV violation (Section 6.3).

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: (1) the reason for the violations, or, if contested, the basis for disputing the violations or their severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previously 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.

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's website 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.

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 12<sup>th</sup> day of September 2018.