

September 19, 2006

Teresa McKay  
President and CEO  
West Michigan Cancer Center  
200 North Park Street  
Kalamazoo, MI 49007

SUBJECT: NRC INSPECTION 030-36539/06-001 (DNMS) AND NOTICE  
OF VIOLATION - WEST MICHIGAN CANCER CENTER

Dear Ms. McKay:

This refers to the inspection conducted on August 23, 2006, at the West Michigan Cancer Center. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with you and your Acting Radiation Safety Officer, Dr. Paul Jursinic.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of selective examinations of procedures and representative records, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC's Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**." The violation is cited in the enclosed Notice of Violation (Notice) and described below.

The violation involves an unauthorized individual acting as your radiation safety officer (RSO). On February 14, 2006, you submitted an NRC license amendment request to the Region III office to change your RSO. In the meantime, one of your authorized medical physicists acted as your RSO. On March 21, our Materials Licensing Branch contacted the physicist and informed him that additional information on his training and experience was required to approve him as the RSO. Since the physicist did not believe he could provide the necessary information regarding his training, he agreed to void the amendment request. The physicist indicated he would resubmit the amendment request in April when an additional physicist would be on staff whose training and experience would satisfy the requirements for RSO outlined in 10 CFR, Part 35. In April, the newly hired medical physicist assumed the RSO duties. However, your clinic failed to follow through with the re-submission of an amendment request. The inspector discussed this violation with you and members of your staff emphasizing the need to promptly re-file a license amendment request to change the RSO. As corrective action your staff committed to submitting a license amendment in the near future. On August 28, 2006,

T. McKay

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the Region III office received your amendment request, which will be reviewed by our Materials Licensing Branch. If you have any questions regarding this amendment request you may contact the Materials Licensing Branch at (630) 829-9887.

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 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 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.

Sincerely,

/RA/

Kenneth J. Lambert, Acting Chief  
Materials Inspection Branch

Docket No. 030-36539  
License No. 21-32501-01

Enclosure:  
Notice of Violation

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## NOTICE OF VIOLATION

West Michigan Cancer Center  
Kalamazoo, Michigan

Docket No. 030-36539  
License No. 21-32501-01

During an NRC inspection conducted on August 23, 2006, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violation is listed below:

Condition 11 of License No. 21-32501-01 names Jeffrey T. Colvin, M.S., as the Radiation Safety Officer for this license.

Contrary to the above, as of February 2006, Jeffrey T. Colvin, M.S., has not served as the Radiation Safety Officer for this license. Specifically, Mr. Colvin has not been employed by West Michigan Cancer Center since February 2006.

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

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 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," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

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's document 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.

Dated this 19<sup>th</sup> day of September 2006

Enclosure