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May 23, 2011

EA-11-053

Mr. Gary B. Morrison
Executive Vice President
and Chief Operations Officer
Karmanos Cancer Center
4100 John R Street
Detroit, Michigan 48201

SUBJECT: NOTICE OF VIOLATION – KARMANOS CANCER CENTER
ROUTINE INSPECTION REPORT NO. 030-09376/2011-002(DNMS)

Dear Mr. Morrison:

This refers to a U.S. Nuclear Regulatory Commission (NRC) inspection, conducted from January 31 to February 4, 2011, at your facility located in Detroit, Michigan, with continuing in-office review through March 17, 2011. The purpose of the inspection was to determine whether activities authorized under your license were conducted safely and in accordance with NRC requirements. During the inspection, an apparent security-related violation of NRC requirements was identified by the NRC inspector. The circumstances surrounding the violation, the significance of the issue, and the need for lasting and effective corrective actions were discussed with you during a telephonic exit meeting on March 17, 2011. Details regarding the apparent violation were provided in NRC Inspection Report No. 030-09376/2011-002(DNMS) dated April 15, 2011.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a Predecisional Enforcement Conference or by providing a written response before we made our final enforcement decision. In a letter dated April 25, 2011, you provided a response to the apparent violation and on May 5, 2011, you provided a supplemental response.

Based on the information developed during the inspection and the information that you provided in your April 25 and May 5, 2011, responses to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1) and the circumstances surrounding it are described in detail in our inspection report dated April 15, 2011.

<p>The Enclosures contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is decontrolled.</p>
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The violation is of concern to the NRC for the reasons stated in Enclosure 2. Therefore, the violation has been categorized, in accordance with the NRC Enforcement Policy, as a Severity Level III violation. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3500 is normally considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process described in Section 2.3.4 of the Enforcement Policy. In your response dated April 25, 2011, as supplemented on May 5, 2011, and as described in Enclosure 2, you outlined the corrective action that your staff had taken to correct the violation. Based on your corrective action, the NRC has determined that *Corrective Action* credit is warranted.

Therefore, to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding the reason for the violation, the corrective action taken and planned to correct the violation and to prevent recurrence, and the date when full compliance was achieved, was adequately addressed on the docket in the inspection report dated April 15, 2011, and in your responses dated April 25 and May 5, 2011. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective action or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice. Additionally, if you choose to respond, please mark your entire response “Security-Related Information – Withhold from Public Disclosure under 10 CFR 2.390.” In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for any response to this letter. However, to the extent possible, your response, if any should not include any personal privacy, proprietary, or safeguards information.

In accordance with 10 CFR 2.390 of the NRC's “Rules of Practice,” a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the Security-Related Information contained in the enclosures, and in accordance with 10 CFR 2.390, copies of the enclosures will not be available for public inspection. Additionally,

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the enclosures must be protected from unauthorized disclosure. Security-Related Information is discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (ML053480073), which is available on the NRC Web site.

Sincerely,

/RA by Cynthia D. Pederson Acting for/

Mark A. Satorius
Regional Administrator

Docket No. 030-09376
License No. 21-04127-06

Enclosures:

1. Notice of Violation (Non-Public)
2. Final Determination of Significance (Non-Public)

cc w/encls: Dr. Joseph Rakowski
Radiation Safety Officer
State of Michigan

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Radiation Safety Officer
State of Michigan

DISTRIBUTION:

See next page

*See previous concurrence

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OFFICE	RIII	RIII	RIII	D:OE	RIII	RIII
NAME	Lougheed*	McCraw for Bloomer*	Boland*	Day for Zimmerman ¹	Orth	Pederson for Satorius
DATE	05/17/11	05/17/11	05/18/11	05/20/11	05/23/11	05/23/11

OFFICIAL RECORD COPY

1 OE concurrence received via e-mail from K. Day on May 20, 2011.

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Letter to Gary B. Morrison from Mark A. Satorius dated May 23, 2011

SUBJECT: NOTICE OF VIOLATION – KARMANOS CANCER CENTER
ROUTINE INSPECTION REPORT NO. 030-09376/2011-002(DNMS)

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