



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

Region III  
2443 Warrenville Road, Suite 210  
Lisle IL 60532-4352

November 5, 2013

EA-13-165

Donald C. Cox, Executive Director  
Police Authority  
VHS Harper–Hutzel Hospital, Inc.  
McLaughlin Hall  
3740 John R Street  
Detroit, MI 48201

**SUBJECT:** NOTICE OF VIOLATION – VHS HARPER–HUTZEL HOSPITAL, INC.;  
NRC ROUTINE INSPECTION REPORT NO. 03002045/2013001(DNMS)

This refers to the inspection conducted on June 20 and July 10, 2013, at your Detroit, Michigan, facility with continued in-office review through August 1, 2013. During the inspection, an apparent security violation of NRC requirements was identified. The significance of the issue and the need for lasting and effective corrective actions were discussed with you during a telephonic exit meeting on August 1, 2013. Details regarding the apparent violation were provided in NRC Inspection Report No. 03002045/2013001(DNMS) dated August 23, 2013.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation in one of three ways: (1) by providing a written response; (2) by requesting a predecisional enforcement conference; or (3) by attending an alternative dispute resolution session. In a letter signed on September 20, 2013, you provided a response to the apparent violation. You also provided a supplemental response via electronic mail received on October 8, 2013.

Based on the information developed during the inspection and the information that you provided in your response signed on September 20, 2013, and your supplemental electronic mail response received on October 8, 2013, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the Notice of Violation (Notice) in Enclosure 1 (Non-Public) and the circumstances surrounding it are described in detail in our inspection report dated August 23, 2013.

The violation is of concern to the NRC for the reasons stated in Enclosure 2 (Non-Public). 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 \$3,500 is normally considered for a Severity Level III violation.

The enclosures contain Sensitive  
Unclassified Non-Safeguards  
Information. Upon separation,  
this cover letter is decontrolled.

D. Cox

-2-

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 NRC Inspection Report No. 03002045/2013001(DNMS), the NRC described its understanding of the corrective actions taken to correct the violation. In your responses, you described the corrective actions taken to correct the violation and to prevent recurrence. These corrective actions are also documented in Enclosure 2. Based on these corrective actions, the NRC has determined that Corrective Action credit is warranted.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, 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 actions taken and planned to correct the violation, and the date when full compliance was achieved, was adequately addressed on the docket in NRC Inspection Report No. 03002045/2013001(DNMS) dated August 23, 2013, in your response signed on September 20, 2013, and your supplemental electronic mail response received on October 8, 2013. Therefore, you are not required to respond to this letter unless the description therein 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. 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.

D. Cox

-3-

Additionally, 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 or in ADAMS.

Sincerely,

***/RA by A. Boland for/***

Cynthia D. Pederson  
Regional Administrator

Docket No. 030-02045  
License No. 21-04127-02

Enclosures:

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

cc w/encls: State of Michigan  
Susan Adams, MT(ASCP)  
Manager, Blood Bank

cc w/o encls: Valerie Gibson,  
Chief Operating Officer  
Richard Joyrich, M.D.,  
Radiation Safety Officer

D. Cox

-3-

Additionally, 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 or in ADAMS.

Sincerely,

*/RA by A. Boland for/*

Cynthia D. Pederson  
Regional Administrator

Docket No. 030-02045  
License No. 21-04127-02

Enclosures:

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

cc w/encls: State of Michigan  
Susan Adams, MT(ASCP)  
Manager, Blood Bank

cc w/o encls: Valerie Gibson,  
Chief Operating Officer  
Richard Joyrich, M.D.,  
Radiation Safety Officer

FILE NAME: G:\ORAI\IEICS\ENFORCEMENT\Cases\Enforcement Cases 2013\EA-13-165 Harper Hospital IC\EA-13-165 Harper Hospital Final Action - FINAL.docx

OFFICE	RIII	RIII	RIII	D:OE	RIII	RIII
NAME	Lougheed	McCraw	Louden	Zimmerman <sup>1</sup> KDay for	Orth	Pederson ABoland for
DATE	10/21/13	10/21/13	10/23/13	11/01/13	11/04/13	11/05/13

**OFFICIAL RECORD COPY**

---

<sup>1</sup> OE concurrence received via email from K. Day on November 1, 2013.

Letter to Donald C. Cox from Cynthia D. Pederson dated November 5, 2013

SUBJECT: NOTICE OF VIOLATION – VHS HARPER–HUTZEL HOSPITAL, INC.;  
NRC ROUTINE INSPECTION REPORT NO. 03002045/2013001(DNMS)

DISTRIBUTION

RidsSecyMailCenter Resource  
OCADistribution  
Mark Satorius  
Michael Weber  
Roy Zimmerman  
Nick Hilton  
Kerstun Day  
Cynthia Pederson  
Anne Boland  
Marvin Itzkowitz  
Catherine Scott  
Brian Holian  
Pamela Henderson  
Michele Burgess  
Robert Sun  
Daniel Holody  
Carolyn Evans  
Heather Gepford  
Holly Harrington  
Hubert Bell

Cheryl McCrary  
Seth Coplin  
Patrick Loudon  
Ann Marie Stone  
Aaron McCraw  
MIB Inspectors  
Steven Orth  
Allan Barker  
Harral Logaras  
James Lynch  
Viktoria Mitlyng  
Prema Chandrathil  
Patricia Lougheed  
Paul Pelke  
Magdalena Gryglak  
Sarah Bakhsh  
Patricia Buckley  
Tammy Tomczak  
RidsOemailCenter  
OEWEB Resource