



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

December 1, 2005

Mark B. Saffer
President
Midwest Health Center
5050 Schaefer Rd.
Dearborn, MI 48126

SUBJECT: NRC INSPECTION (IR 030-31647/05-001(DNMS)) AND NOTICE OF VIOLATION

Dear Mr. Saffer:

This refers to the inspection conducted on November 17, 2005, at the Midwest Health Center located in Dearborn, Michigan. The purpose of the inspection was to determine whether activities authorized under your license were conducted safely and in accordance with NRC requirements. During a teleconference on November 29, 2005, the findings were discussed with Lynn Haske of your staff.

This inspection was an examination of activities conducted under license No. 21-26168-01 as they relate to safety and compliance with the Commission's rules and regulations and with 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 www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. The violation is cited in the enclosed Notice of Violation (Notice) and involves the failure to provide a written notification to the NRC to indicate that you have not conducted principal activities since approximately June of 2000, a period in excess of 24 months.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. Your response should indicate your request for a license termination or justification for keeping an active license. If you request to keep your license active, please provide a short-term date when licensed activities are planned to commence.

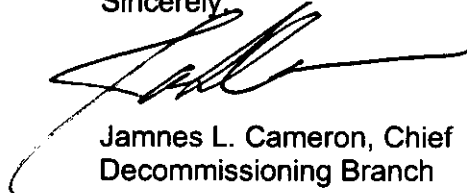
In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from

M. Saffer

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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,



James L. Cameron, Chief
Decommissioning Branch

Docket No. 030-31647
License No. 21-26168-01

Enclosure: Notice of Violation

NOTICE OF VIOLATION

Midwest Health Center
Dearborn, MI

Docket No. 030-31647
License No. 21-26168-01

During an NRC inspection conducted on November 17, 2005, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.36(d)(3) requires, in part, that the licensee notify the NRC within 60 days if no principal activities under the license have been conducted for a period of 24 months.

Contrary to the above, as of November 17, 2005, the licensee had not notified the NRC that no principal activities under the license have been conducted for a period in excess of 24 months. Specifically, the licensee failed to notify the NRC that it had not conducted principal activities since approximately June of 2000.

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

Pursuant to the provisions of 10 CFR 2.201, Midwest Health Center is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous 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.

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.

Because 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, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will

create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 1st day of December 2005

INSPECTION RECORD

Region III Inspection Report No. 03031647/2005001 License No. 21-26168-01

Docket No. 030-31647

Licensee (Name and Address):

Midwest Health Center

5050 Schaefer Rd.

Dearborn, MI 48126

Location (Authorized Site) Being Inspected: Dearborn, Michigan

Licensee Contact: Lynn Haske

Telephone No. (313) 581-2600

Priority: 5 Program Code: 02201

Date of Last Inspection: 3/2000 Date of This Inspection: 11/2005

Type of Inspection: () Initial () Announced (X) Unannounced
(X) Routine () Special

Next Inspection Date: ¹⁰5/2006 () Normal (X) Reduced

Justification for reducing the routine inspection interval:

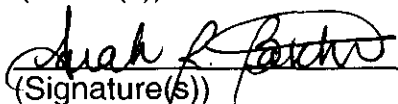
Licensee had an active license but possessed no material since 2000. Licensee plans to commence licensed activities within approximately 90 days (~April, 2006).

Summary of Findings and Actions:

- () No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- () Non-cited violations (NCVs)
- () Violation(s), Form 591 issued
- (X) Violation(s), regional letter issued
- () Followup on previous violations

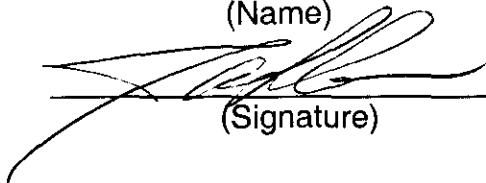
Inspector(s) Sarah Bakhsh
(Name(s))

Date November 30, 2005

 12/9/05
(Signature(s))

Approved James L. Cameron
(Name)

Date 12/9/05


(Signature)

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES:

(License amendments issued since last inspection, or program changes noted in the license)

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
4	4/4/01	Change in RSO
5	6/21/02	Change in RSO

2. INSPECTION AND ENFORCEMENT HISTORY:

(Unresolved issues; previous and repeat violations; Confirmatory Action Letters; and orders)

There are no unresolved issues from prior inspections. Last inspection conducted in March of 2000 identified no violations of NRC requirements; clear NRC-591 issued.

3. INCIDENT/EVENT HISTORY:

(List any incidents, or events reported to NRC since the last inspection. Citing "None" indicates that regional event logs, event files, and the licensing file have no evidence of any incidents or events since the last inspection.)

None. There have been no fires, thefts or fatalities at this facility.

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

(Management organizational structure; authorized locations of use, including field offices and temporary job sites; type, quantity, and frequency of material use; staff size; delegation of authority)

Mark Saffer, President
Joel Kimelman, RSO
Lynn Haske, RT

The licensee is a small clinic located in Dearborn, Michigan authorized to conduct licensed activities under 10 CFR Parts 35.100 and 35.200. The licensee has not performed any licensed activities since 2000, and possessed cesium-137 and barium-133 sealed sources.

2. SCOPE OF INSPECTION:

(Identify the inspection procedure(s) used and focus areas evaluated. If records were reviewed, indicate the type of record and time periods reviewed)

Inspection Procedure(s) Used: IP 87130

Focus Areas Evaluated: 03.01-03.07

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:
(Areas surveyed, both restricted and unrestricted, and measurements made; comparison of data with licensee's results and regulations; and instrument type and calibration date)

Licensee did not possess a dose calibrator at the time of the inspection. The licensee's consultant performed leak tests and inventoried the sealed sources quarterly. The inspector conducted independent surveys during the inspection.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:
(State the requirement, how and when the licensee violated the requirement, and the licensee's proposed corrective action plan. For NCVs, indicate why the violation was not cited. Attach copies of all licensee documents needed to support violations.)

One violation was identified during the inspection. 10 Code of Federal Regulations (CFR) 30.36(d)(3) requires, in part, that the licensee notify the NRC within 60 days if no principal activities under the license have been conducted for a period of 24 months.

Contrary to the above, on November 17, 2005, the licensee had not yet notified the NRC that no principal activities under the license have been conducted for a period of 24 months. Specifically, the licensee failed to notify the NRC that it had not conducted principal activities since 2000.

On November 30, 2005, the licensee verbally committed to commencing licensed activities within approximately 90 days (~April 2006). Their formal commitment will be included in their response to the Notice Of Violation.

5. PERSONNEL CONTACTED:
(Identify licensee personnel contacted during the inspection, including those individuals contacted by telephone.)

Use the following identification symbols:

- # Individual(s) present at entrance meeting
- * Individual(s) present at exit meeting

#*Lynn Haske, Radiology Technician
Laura Hawes, X-Ray Technician