

August 3, 2012

Ms. Susan R. Szakal
Imaging Services Manager
Bronson Lakeview Hospital
408 Hazen Street, P.O. Box 209
Paw Paw, MI 49079-0209

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034119/12-001(DNMS) AND
NOTICE OF VIOLATION – BRONSON LAKEVIEW HOSPITAL

Dear Ms. Szakal:

On July 9, 2012, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Paw Paw, Michigan. 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. An exit meeting was held between you and members of your staff and Mr. Geoffrey Warren of my staff at the completion of onsite activities on July 9, 2012.

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 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 <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the failure to get the NRC's consent in writing prior to transferring control of your NRC license to Bronson Healthcare Group of Kalamazoo, Michigan, on January 1, 2008, as required by Title 10 of the Code of Federal Regulations (CFR) 30.34(b). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because you did not complete corrective actions such as providing full information about the change of ownership to the NRC until prompted to do so during your license renewal.

The root cause of the violation was your lack of awareness of the requirement to get the NRC's consent prior to a change of ownership. You notified the NRC of the change of ownership on March 30, 2010, provided additional information concerning the change of ownership to the NRC in a letter dated January 5, 2012, and the NRC issued a license amendment documenting the change of ownership and the change of name of the hospital on January 9, 2012, therefore, no further action is required. As such, you are now in compliance with NRC requirements.

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 was achieved 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, if you choose to provide one, 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 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/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-34119
License No. 21-26716-01

Enclosure:
Notice of Violation

cc: w/ encl: Bruce D. Goethe, M.D.,
Radiation Safety Officer
State of Michigan

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 was achieved 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.

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Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-34119
License No. 21-26716-01

Enclosure:
Notice of Violation

cc: w/ encl: Bruce D. Goethe, M.D.,
Radiation Safety Officer
State of Michigan

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NOTICE OF VIOLATION

Bronson Lakeview Hospital
Paw Paw, MI

Docket No. 030-34119
License No. 21-26716-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 9, 2012, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (CFR) 30.34(b), states that no license issued or granted pursuant to the regulations in Parts 30 through 36, and 39 nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, on January 1, 2008, the licensee failed to receive consent in writing from the NRC prior to transferring control of its license to another company. Specifically, NRC License No. 21-26716-01, issued pursuant to 10 CFR Part 35, was transferred to the ownership of Bronson Healthcare Group of Kalamazoo, Michigan and the NRC was not notified of the change of ownership until March 30, 2010.

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

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 was 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, IR 03034119/12-001(DNMS)," and send it 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.

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 Agencywide Documents Access and Management 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 of receipt.

Dated this 3rd day of August 2012.

Enclosure