



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

September 5, 2018

EA-18-049

Ms. Tina Wood
Chief Operating Officer
VHS Harper-Hutzel Hospital, Inc.
3990 John R Street
Detroit, MI 48201

SUBJECT: VHS HARPER-HUTZEL HOSPITAL, INC. – NOTICE OF VIOLATION AND
PROPOSED IMPOSITION OF CIVIL PENALTY - \$7,250; NRC ROUTINE
INSPECTION REPORT NO. 03002045/2018001 (DNMS)

Dear Ms. Wood:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 20, 2018, through March 22, 2018, at your Detroit, Michigan facility with continued in-office review through May 18, 2018. During this inspection, apparent security violations of NRC requirements were identified. The significance of the issues and the need for lasting and effective corrective actions were discussed with members of your staff during an exit meeting on May 18, 2018. Details regarding the apparent violations were provided in the non-public NRC Inspection Report No. 03002045/2018001(DNMS), dated June 14, 2018.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations and the Severity Level IV violations identified in the report by responding in writing, attending a predecisional enforcement conference, or by requesting Alternate Dispute Resolution before we made our final enforcement decision. In a letter dated July 26, 2018, you provided a response to the apparent violations and the Severity Level IV violations.

Based on the information developed during the inspection and the information that you provided in response to the inspection report, dated July 26, 2018, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the Notice of Violation (Notice) in Enclosure 1 (Non-Public) and the circumstances surrounding them are described in detail in our inspection report, dated June 14, 2018, and in the Final Determination of Significance in Enclosure 2 (Non-Public). The violations are of concern to the NRC for the reasons stated in Enclosure 2. Therefore, the violations have been categorized, in accordance with the NRC Enforcement Policy, as a Severity Level III problem.

Enclosures 1 and 2 contain Sensitive
Unclassified Non-Safeguards Information.
When separated from Enclosures 1 and 2,
this transmittal document is decontrolled.

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In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,250 is considered for a Severity Level III problem. Because your facility has been the subject of escalated enforcement actions within the last two inspections¹, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC determined that credit was not warranted for *Identification* because the issue was identified during an NRC inspection. The NRC determined that credit for *Corrective Action* was warranted based on your corrective actions that are described in Enclosure 2. Therefore, to emphasize the importance of the findings and the prompt identification and comprehensive corrective of violations, and in recognition of your previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$7,250 for the Severity Level III problem. In addition, issuance of this Notice constitutes escalated enforcement action that may subject you to increased inspection effort. The NRC also includes significant enforcement actions on its Web site at

(<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

If you disagree with this enforcement sanction, you may deny the problem, as described in the Notice, or you may request alternative dispute resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the “mediator”) works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC’s ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC’s program as a neutral third party. **If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Mr. Richard Skokowski, Enforcement Officer at 630-810-4373 within 10 days of the date of this letter.** You may also contact both ICR and Mr. Skokowski for additional information. Your submitted signed agreement to mediate using the NRC ADR program will stay the 30-day time period for payment of the civil penalty, as identified in the enclosed Notice, until the ADR process is completed. Additional information concerning the NRC’s ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03002045/2018001(DNMS) and your July 26, 2018, letter. 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 Under 10 CFR 2.390.” In accordance with Title 10 of the *Code*

¹A Severity Level III security-related violation was issued on November 5, 2013 (EA-13-165).

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of *Federal Regulations* (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.

Regarding the Severity Level IV violations documented in Inspection Report No. 03002045/2018001(DNMS), dated June 14, 2018, and the Notice, also dated June 14, 2018, the NRC has reviewed your corrective actions described in your July 26, 2018, letter, which appear to be adequate, and has no further questions at this time. These corrective actions will be reviewed during a future inspection.

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 and in 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 Enclosures 1 and 2, and in accordance with 10 CFR 2.390, copies of Enclosures 1 and 2 will not be available for public inspection.

If you have any questions concerning this matter, please contact Mr. Skokowski of my staff at 630-810-4373.

Sincerely,

/RA by Darrell J. Roberts acting for/

K. Steven West
Regional Administrator

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

Enclosures:

1. Notice of Violation and Proposed Imposition
of Civil Penalty (Non-Public)
2. Final Determination of Significance (Non-Public)
3. NUREG/BR – 0254 Payment methods

cc w/encls 1 and 2: Richard Joyrich, MD,
Radiation Safety Officer

cc w/o encls: State of Michigan

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Letter to Ms. Tina Wood from K. Steven West on September 5, 2018

SUBJECT: VHS HARPER-HUTZEL HOSPITAL, INC. - NOTICE OF VIOLATION AND
PROPOSED IMPOSITION OF CIVIL PENALTY - \$7250; NRC ROUTINE
INSPECTION REPORT NO. 03002045/2018001(DNMS)

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| DATE | 8/16/18 | 8/16/18 | 8/17/18 | 8/28/18 | 8/28/18 | 8/31/18 | 9/5/18 |

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2 Concurrence received per email from L. Sreenivas dated August 29, 2018

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