



U.S. Department
of Veterans Affairs

Under Secretary for Health

Washington DC 20420

February 13, 2020

Mr. Darrell Roberts
Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, IL 60532

Subject: Reply to a Notice of Violation

Dear Mr. Roberts:

Thank you for your December 20, 2019, letter to the Department of Veterans Affairs (VA) regarding the Region III, inspection report. This is in reply to a Notice of Violation (NOV), License No. 03-23853-01VA in reference to 598/115HP/NLR. The NOV cited a single Level IV violation related to allegations, with four aspects.

Pursuant to the NOV, we provide the following information:

(1) The reason for the violation:

The VA National Health Physics Program (NHPP) did not conduct its allegations program in accordance with a Veterans Health Administration, National Radiation Safety Committee, Standard Operating Procedure (SOP). This violation occurred due to severe losses of staff and experience in NHPP since the 2017 U.S. Nuclear Regulatory Commission (NRC) Biennial Inspection. There was also a lack of staff knowledge in allegation management expectations and an insufficiently detailed NHPP internal procedure for its allegation management program.

(1) The corrective steps that have been taken and the results achieved:

Since late September 2018, VA hired six new NHPP technical staff and appointed a new NHPP Director. The NHPP staff have been made aware of the deficiencies identified in the NOV and have received training to avoid such deficiencies as new concerns and allegations are received. NHPP is completing a revision of its internal procedure on managing radiation safety concerns and allegations.

(2) The corrective steps that will be taken in response to the NOV:

- NHPP will document contact with allegeders as required by Section 5, Item 5.a, of SOP 6;
- NHPP will mark the hardcopy allegation files as required by Section 5 of SOP 6;

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Mr. Darrell Roberts

- NHPP will complete a review of the allegations mentioned in the third and fourth aspects of the violation. The results of these reviews will be maintained and available to NRC during the next biennial inspection;
- NHPP will refer an allegor to the NRC when the allegor suggests discrimination had occurred, as required by Section 6, Item 6.a. of SOP 6;
- Close-out letters (or memorandums) will be sent to the allegor after the allegation or a concern within the allegation is closed, as required by Section 9 of SOP 6; and
- NHPP will complete the revision of its internal procedure for managing safety concerns and allegations to address this violation and will train NHPP staff in the revised procedure.

(3) The date when full compliance will be achieved:

- Full compliance with provisions of SOP 6 regarding any newly received allegation has been achieved by the date of this letter; and
- Full compliance regarding the corrective actions in Item (3) above is expected by May 8, 2020.

We appreciate the information provided by NRC during and after the inspection and helping NHPP to improve its allegation management program.

Should you have further questions regarding this matter, please contact Edwin M. Leidholdt, Jr., Ph.D., FACR, NHPP Director, at (707) 562-8374.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Stone', with a stylized flourish at the end.

Richard A. Stone, M.D.
Executive in Charge