



**DEPARTMENT OF VETERANS AFFAIRS**  
**Veterans Health Administration**  
**National Radiation Safety Committee**  
**National Health Physics Program**  
**2200 Fort Roots Drive**  
**North Little Rock, AR 72114**

In Reply Refer To: 598/115HP/NLR

June 16, 2020

Bryan Parker  
Division of Nuclear Material Safety  
Nuclear Regulatory Commission, Region III  
2443 Warrenville Road, Suite 210  
Lisle, Illinois 60532-4352

Re: NRC License No. 03-23853-01VA, Request for Exemption to Certain  
Decommissioning Financial Assurance Requirements Under 10 CFR 30.35

Dear Mr. Parker:

The U. S. Department of Veterans Affairs (VA) is licensed to use radioactive material under Master Materials License (MML) 03-23853-01VA issued by the U.S. Nuclear Regulatory Commission (NRC). In accordance with Title 10 Code of Federal Regulations (CFR) Part 30.11, we request an exemption from the requirement of 10 CFR 30.35(e)(2) to submit a decommissioning funding plan at intervals not to exceed 3 years. VA uses radioactive materials authorized by its MML at VA medical facilities. As noted in Paragraph 35 of our Letter of Understanding with the NRC (a condition of the MML), in our license application we provided a decommissioning funding statement of intent per 10 CFR 30.35(d) (executed by the VA Under Secretary for Health) and a certification statement to comply with NRC decommissioning funding assurance requirements. The certification statement was updated by letter of December 1, 2004, using revised amounts in 10 CFR 30.35(d). The statement of intent was updated by letter of June 22, 2005 (and accepted by NRC letter of July 1, 2005). The certification covers funding of eventual decommissioning at each VA facility up to the maximum amount prescribed in 10 CFR 30.35(d). That prescribed amount has not changed since we submitted the 2004 certification; therefore, the certification continues to be valid. We have been informed by NRC that we are to resubmit a decommissioning funding plan every three years per 10 CFR 30.35(e)(2). Therefore, we request an exemption to 10 CFR 30.35(e)(2) and propose to continue use of our standing statement of intent and certification.

As stated in Appendix A, Section 11 of NUREG-1757, Vol. 3, Consolidated Decommissioning Guidance, Financial Assurance, Recordkeeping, and Timeliness: "The purpose of a statement of intent is to ensure that, early in the life of their facilities, government licensees make their funding bodies aware of (1) decommissioning requirements and costs and (2) eventual funding." In the VA's case, the MML has been

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issued to the VA Under Secretary for Health, who leads the Veterans Health Administration (VHA). VHA operates medical facilities (including eventual decommissioning activities) for VA. VHA operations are funded by U.S. Congress. We believe this NRC requirement is not necessary because VHA senior leadership is aware of decommissioning requirements and costs associated with decommissioning activities as the funding authority for the MML. The VA Under Secretary for Health has signed a certification of financial assurance which continues to be valid. VA has assured the maximum funding level in 10 CFR 30.35(d) for each permittee. The maximum level has not changed since 2004. Therefore, VA's financial assurance is still valid. We are requesting to be exempt from having to resubmit our statement of intent and certification of financial assurance every three years.

Thank you for your attention to this matter. Please contact Edwin M. Leidholdt, Jr. Ph.D., at 501-257-1571, if you have any questions about this request.

Sincerely,

*David Bushnell*

David L Bushnell, M.D.  
Chair, VHA National Radiation Safety  
Committee

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