



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

In Reply Refer To: 598/115HP/NLR

December 3, 2021

Robert J. Orlikowski  
Chief, Materials Licensing Branch  
Division of Nuclear Material Safety  
U.S. Nuclear Regulatory Commission (NRC), Region III  
2443 Warrenville Road, Suite 210  
Lisle, Illinois 60532-4352

Re: NRC License No. 03-23853-01VA – Request for Extension to NRC-Granted  
Temporary Exemption for Master Material License Requirements for Unannounced  
Inspections and Inspection Frequency.

Dear Mr. Orlikowski:

In accordance with Title 10, *Code of Federal Regulations*, 30.11(a), we request extensions to:

1. The temporary exemption granted by NRC on May 19, 2020, and extended on December 15, 2020, June 29, 2021, and September 24, 2021, from the requirements of the Master Material License (MML) Amendment No. 9, Letter of Understanding (LOU), Item No. 26; and the VA inspection program National Radiation Safety Committee (NRSC) SOP 2, Item No. 4b: Inspection priorities; routine materials inspections: "All routine materials inspections will be performed on an unannounced basis." We request an extension to this exemption through June 30, 2022, to allow us to continue to announce inspections in advance.

Basis: The basis for this request remains unchanged from the initial temporary exemption request. Announced inspections are necessary during the COVID-19 pandemic so that we can assess, before an inspection, the situation at each permittee medical facility regarding the impact of the inspection on critical pandemic-related medical care, whether appropriate personnel will be present, the level of access our inspector will have at the facility, and restrictions that are in place at the facility. This request will not endanger life or property or the common defense and security and is in the public interest.

2. The temporary exemption granted by NRC on May 19, 2020, and extended on December 15, 2020, June 29, 2021, and September 24, 2021, from the requirements of the MML Amendment No. 9, LOU, Item No. 26; and the VA inspection program NRSC SOP 2, Item 6b: Routine inspections of permits with Priorities 1 through 3 and Item 7: Non-core inspections:inspection frequencies. We request an extension of this exemption to inspection deadlines through June 30, 2022.

Basis: Inspections of some VA permittees may go outside of the required inspection intervals due to inability of the permittees to tolerate inspections due to surges of patients affected by the virus; need to protect NHPP inspectors from risk of COVID; non-availability of commercial travel; and/or VA, local, state, and national social distancing and travel restrictions in place as a result of the pandemic. Adhering strictly to MML requirements could increase the risk of exposing NHPP staff, the permittees' staff and patients, and members of the public to the COVID-19 virus. Currently, nearly all routine NHPP inspections are being conducted within the inspection timeliness windows. However, NHPP has three times implemented inspection stand-downs due to surges in COVID incidence and mortality and has also on occasion delayed inspections of VHA medical facilities that were dealing with COVID-induced patient care surges. We will continue to make all reasonable efforts to conduct inspections within the inspection windows. This request will not endanger life or property or the common defense and security and is in the public interest.

Please contact Edwin M. Leidholdt Jr., Ph.D.; Clinton E. Abell, MSHP; or Joseph S. Bravenec, MS, at 501-257-1571, if you have any questions about this matter.

Sincerely,

David L.

Bushnell 195128

Digitally signed by David L.  
Bushnell 195128  
Date: 2021.12.03 09:55:53  
-06'00'

David L. Bushnell, M.D.

Chair, VHA National Radiation Safety Committee

**From:** [Edwards, Mark W.](#)  
**To:** [Parker, Bryan](#)  
**Cc:** [Leidholdt, Ed](#); [VACO NHPP](#)  
**Subject:** [External\_Sender] Letter to NRC Requesting Inspection Exemptions During COVID Epidemic  
**Date:** Friday, December 03, 2021 10:50:40 AM  
**Attachments:** [2021 12 03 NRC Letter Inspection Exemption Extension.pdf](#)

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Mr. Parker,

On behalf of Drs. Leidholdt and Bushnell.

Attached is a letter requesting exemptions from commitments to NRC regarding NHPP's routine inspections of VA permittees..

Would you please reply to this message to acknowledge receipt? In addition, would you like me to send a hard copy to your office address?

Please do not hesitate to call Dr. Leidholdt, regardless of the date or time, if you have questions. He is on the road currently and the quickest way to contact him is by cell phone - 707-977-8052.

v/r Mark

Mark W. Edwards  
VHA - National Health Physics Program  
North Little Rock, Arkansas 72114-1706  
Office: 501-257-1515 Fax: 501-257-1570  
VA Cell: 501-257-0590  
After Hours Emergency: 800-815-1016



**From:** [Tomczak, Tammy](#)  
**To:** [Pavon, Sandy](#)  
**Cc:** [Pavon, Martha](#)  
**Subject:** FW: Please open action - VA exemption extension  
**Date:** Monday, December 06, 2021 6:49:10 AM  
**Attachments:** [External Sender Letter to NRC Requesting Inspection Exemptions During COVID Epidemic .msg](#)

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Good morning, Sandy and Martha,

Please add the attached to ADAMS.

Thank you!!  
Tammy

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**From:** Parker, Bryan <Bryan.Parker@nrc.gov>  
**Sent:** Friday, December 03, 2021 1:22 PM  
**To:** Tomczak, Tammy <Tammy.Tomczak@nrc.gov>  
**Cc:** Orlikowski, Robert <Robert.Orlikowski@nrc.gov>  
**Subject:** Please open action - VA exemption extension

Hey Tammy,

Please open an action with the attached exemption request from VA.

**BOB** – Fyi - please note that 1) the current exemption expires **12/31/21**, and 2) they are requesting the next one to go until **06/30/22**.

Thanks.  
Bryan