

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Request to deny license/rescind license per 10 CFR 2.206

I request that the master license which the Veterans Administration (VA) has applied for be denied/rescinded. The reasons are as follows:

Systemic management failure-

There are at least 2 RSO's alleging wrongful termination. One RSO (Philadelphia) has been up held by an NRC investigation. The second is currently being investigated. Apparently a nurse was discriminated against at VA Philadelphia also.

Management denying responsibility for the radiation safety program-

The Secretary of the VA was requested to provide testimony in an on going MSRB radiation safety case. The VA Regional Counsel has refused stating that the Secretary may not be called to answer questions. If management is not responsible for the safety program in the VA, then who is? Who is responsible for the master license?

The VA National Health Physics Program (NHPP) is inconsistent with its inspections and violates its own standards-

There are multiple incidences of the NRC performing an inspection and within several weeks the NHPP performing an inspection of the same licensee. The NHPP will typically spend 1-2 weeks inspecting the licensee vs. the 1-2 days the NRC inspects. The NRC will not find any items of non-compliance; NHPP will cite multiple items (typically all level IV). For instance, NHPP has cited the following items at VA Chicago Health Care Systems (VACHCS) while the NRC inspectors have found problems only with management:

Lack of an inventory of the radioactive waste program, yet no indication that the licensee has exceeded the license limits.

Citations that the training program must comply, not as is described in the license application but is as described in the NRC's Reg Guides, even though the Reg Guides are not referenced in the license application. Since the NRC Reg Guides are guidelines I believe that they cannot normally be cited against by an inspector.

Citations against an NRC license which had been combined with another license and had been terminated and inspected by Region III with no violations found.

A recent NHPP inspection of VACHCS apparently failed to identify the failure of VACHCS to implement license application changes, which NHPP had placed in the application (over the objections of the RSO).

An NHPP inspector decided that manpower was sufficient at VA Chicago Health Care Systems (VACHCS) and returned from his duty location to report his opinion to VACHCS management. The manpower determination was not discussed with the RSO nor was the RSO allowed to be present at the meeting with the Director. When the RSO discussed the inspector's actions with NHPP management they said that the inspectors actions were contrary to NHPP policy and the inspector would be dealt with. To the best of my knowledge they have not taken any action.

The range of inspectors attitudes is extreme. One inspector appears anti-RSO. One inspector performs inspections to the letter of the law while ignoring the "big picture". One inspector in Little Rock decided that the VACHCS license application, which had been transmitted to the NRC, was too uninspectable. He rewrote the license application and sent it to VACHCS with orders to "sign it or else". This license was sent to the RSO representative for the master license; who responded that this was a very prescriptive, difficult to implement and expensive license. I had already made that determination. VACHCS management signed the NHPP written license. I believe that this license application was intended to be narrative and punishing.

After a NRC inspection noting management failure at VACHCS; NHPP inspectors, essentially, dismissed the NRC finding and instead focused on perceived RSO failures. This allowed management to ignore its own failures and divert attention to the RSO. The NRC inspector noted no other problems other than management's failure to support the RSO. See NRC inspection of VACHCS Lakeside September 2000.

An NHPP inspector told a Chief of Nuclear Medicine that all orders of radioactive material do not have to be approved by the RSO. This is in conflict with 10CFR35.21.

NHPP is fearful of management. NHPP will not take management to task, instead they "create" citations on others which shield management from responsibility.

VA budget problems are becoming sever. Budgeting issues are straining manpower, for instance see VA Saint Louis, VA Hines and VA Chicago. Budgeting is impacting hiring, experience level at hire, and grade level. For instance, the RSO supporting VA North Chicago is out of VA Hines at a GS 9 level. The previous person left in December 2001. The latest moch JCAHO inspection scored 46 points. The last full inspection was in the 90's.

The VA does not have a proactive safety program. The U.S. Navy when a hiring freeze occurred would not freeze safety positions. The VA has not exempted safety positions from hiring freezes. For instance, the Safety Manager position at VACHCS (only one person) remained unfilled for approximately a year. The only reason it was finally filled was the fire detection system failed and admissions were closed (and the hospital almost evacuated of inpatients). The conversations within the VA RSO's "e-mail group" have ranged from a neutral position to a very, very concerned position about the master license and NHPP's implementation of the master license. VA VISN 12 (Northern Illinois) requires the Chief of the Imaging Product Line approve all radiation safety positions prior to hire, grade level at hire, responsibilities, duties and duty location. The Chief of the Imaging Product Line controls Nuclear Medicine, Radiology, apparently radiation safety and also sits on the VA master license board.

RSO's are being driven from service. The RSO from VA Indianapolis stated that NHPP inspectors harassed the previous RSO to such an extent that he moved to a different job. The RSO at VA Saint Louis maybe having the same problem. The RSO at VA Philadelphia and VACHCS are being driven out. NHPP and the poor management attitude will destroy the radiation safety culture in the VA and continuing safety failures will occur.

NHPP inspectors are so poor they are banned from certain VA hospitals and not allowed to perform inspections by NHPP's own management. Conversations with the previous RSO at VA Hines indicated that some inspector's citations were so outlandish that the Regional VA Director (VISN 12) banned the inspector from returning. NHPP management seems to have taken this inspector to task by not allowing the inspector to perform inspections for a time (possibly up to 6 months).

The VA is not the agency which can handle internal regulation and the result will be a failed program and a danger to the public. The VA often has a relaxed attitude towards OSHA

inspections because OSHA cannot (typically) fine the VA. If the master license is given to the VA a similar situation will result.

I request that I be allowed to update and enhance my request.

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