

December 27, 2007

E. Lynn McGuire, Director
National Health Physics Program (115HP/NLR)
Department of Veterans Affairs
Veterans Health Administration
2200 Fort Roots Drive
Little Rock, AR 72114

SUBJECT: RESPONSE TO NOTICE OF VIOLATION DATED OCTOBER 25, 2007

Dear Mr. McGuire:

This acknowledges receipt of your letter dated November 29, 2007, in response to our letter dated October 25, 2007, transmitting a Notice of Violation.

We have reviewed your corrective actions, which appear to be adequate and we have no further questions. However, we noted in your response, that you considered the violation you issued to the permittee to be appropriate and inclusive of any lack of surveys, measurements, or evaluations. As discussed during a telephone conference on November 6, 2007, between you and my staff, we pointed out significant distinctions between the violation you identified for failure to amend the license ("permit") before adding to or changing any areas of use (10 CFR Section 35.13(e)) and the violation the NRC identified for failure to conduct adequate surveys (10 CFR Section 20.1501) to demonstrate compliance with the radiological criteria for unrestricted use.

As was also discussed during the November 6, 2007 telephone conference, we agreed to continue to work closely with you in the future on such matters so that a common understanding is achieved.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,
/RA/
Steven A. Reynolds, Director
Division of Nuclear Materials Safety

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