



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

July 30, 2009

In Reply Refer To: 598/115HP/NLR

Mark Satorius
Regional Administrator
Region III, Nuclear Regulatory Commission (NRC)
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

Re: NRC License 03-23853-01VA; CAL 3-08-004 (dated October 14, 2008)

Dear Mr. Satorius:

We are sending this letter to request written clarification about use of our suspend criteria.

Per your Confirmatory Action Letter, we established suspend criteria for seed implant programs. We have not yet used the criteria to suspend a seed implant program. The four seed implant programs that are suspended were in that status before the suspend criteria were established. These programs are Philadelphia, Jackson, Cincinnati, and Washington, D.C. We have followed the criteria in the suspend procedure from the perspective of completing a reactive inspection for reports of a medical event.

We do not consider Los Angeles as suspended under the suspend criteria. That facility Chief of Staff had temporarily ceased seed implant treatments as the facility responded to our inspection results and implemented VHA standard procedures. Los Angeles informed us that the standard procedures are implemented and a patient had been scheduled.

NRC issued a Fact Sheet listing Los Angeles as suspended. This NRC position was not shared with us in advance of the public announcement. Your staff later contacted us by telephone on July 2, 2009, and stated Los Angeles is considered by NRC to be suspended and must undergo the restart process before the next patient treatment.

We are concerned about the lack of coordination or explanation for this NRC determination since patient care is being restricted. We request written clarification of why the facility is considered by NRC to be suspended.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Anderson MD".

Charles M. Anderson, M.D., Ph.D.
Chair, National Radiation Safety Committee

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