

October 22, 2009

Regional Administrator  
NRC Region III  
2443 Warrenville Road  
Lisle, Illinois, 60532

Dear Sir,

Based on NRC Confirmatory Order (IA-09-026) issued to me on July 28, 2009, I agreed within 90 days following the issuance of the Confirmatory Order, to prepare and submit to the NRC an article, for subsequent submittal and consideration for publication by the NHPP, to inform others of: (1) the importance of ensuring that a VA radiation safety program fulfills all NRC safety requirements; and (2) developing the necessary infrastructure and communication paths to identify and resolve competing priorities that may preclude successful implementation of a VA radiation safety program. Enclosed is that article.

If you have any questions, please contact me at 859-381-5929.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Hackett". The signature is fluid and cursive, with a large initial "M" and "H".

Michael T. Hackett, MS

Enclosure

RECEIVED OCT 26 2009

## Fulfilling NRC Safety Requirements by VA Radiation Safety Programs

The U.S. Nuclear Regulatory Commission's (NRC) mission is to protect public health and safety: *"It is the NRC's job to protect people and the environment from radiation hazards through regulation of various commercial and industrial uses of nuclear material, including nuclear power plants in the United States."* (1). The U.S. Department of Veterans Affairs' (VA) mission is to serve and honor our veterans: *"To fulfill President Lincoln's promise – "To care for him who shall have borne the battle, and for his widow, and his orphan" – by serving and honoring the men and women who are America's veterans."* (2). As part of the VA, the Veterans Health Administration's (VHA) mission is providing medical care to veterans: *"The mission of the Veterans Health Administration is to serve the needs of America's veterans by providing primary care, specialized care, and related medical and social support services. To accomplish this mission, VHA needs to be a comprehensive, integrated healthcare system that provides excellence in health care value, excellence in service as defined by its customers, and excellence in education and research, and needs to be an organization characterized by exceptional accountability and by being an employer of choice."* (3).

In March 2003, the NRC issued a master materials license to VHA, which resulted in each VA medical facility being issued a VHA radioactive material permit under this license. The VHA recently updated Directive 1105.01 concerning radiation materials (4). As part of this VHA Directive, it outlines action needed at each VA medical facility as it pertains to the management of radioactive materials which includes that the facility

ensures the safe use of radioactive materials and regulatory compliance: “*The Radiation Safety Committee and Radiation Safety Officer function together to support the Director and take all actions necessary to ensure the safe use of radioactive materials and regulatory compliance.*” (4). Each medical facility’s radiation safety program can use this part of the VHA Directive as their own mission statement.

The NRC’s mission is to protect public health and safety through regulations that are found in Title 10 of the Code of Regulations (10 CFR). It’s each VA facility radiation safety program’s responsibility as outlined in the VHA Directive to comply with all of the NRC safety requirements plus other regulatory bodies (e.g., U.S. Department of Transportation). Through this compliance, each VA radiation safety program will be providing a safe work environment for the use of radioactive materials. This will help the VA and VHA meet their mission to service and care for our veterans by providing for our veterans’ safety as it pertains to radioactive materials plus the safety of staff, visitors and the general public. Although some regulations or safety requirements may have a more adverse effect if not followed when compared to others, the overall intent of each requirement is to provide that safe work environment; therefore, it is important to fulfill each one. Noncompliance may result in violations cited by the NRC and/or the VHA National Health Physics Program (NHPP) but other consequences may occur. Of course the worst case scenario would be that patients, staff, or the general public were harmed as a result of some noncompliance. This should be the primary reason why VA radiation safety programs need to fulfill all of NRC safety requirements. Other

consequences of noncompliance may lead to unwanted media attention, financial issues, personnel action, and/or additional stress and anxiety.

Competing priorities may preclude successful implementation of a VA radiation safety program by preventing the completion of all NRC safety requirements. Setting up the necessary infrastructure and communication paths to identify and resolve competing priorities is essential. This should start with having an effective Radiation Safety Committee. Having active Committee members including the chair and the management representative is essential to ensure that radiation safety program is functioning properly. The Radiation Safety Officer (RSO) is responsible for the day-to-day radiation safety actions but the Committee is required to provide the oversight of the radiation safety program. The RSO who is a vital member of the Committee should not dominate the Committee. There needs to be checks and balances on what needs to be done by the radioactive material users, the RSO, and the Committee to ensure regulatory compliance. One tool could be incorporated into the radiation safety audits reviewed by the Committee. The audits could include trending reports that pertain to various compliance issues detailing their frequency requirements especially on issues with long periodicity (e.g., once a year, or once every three years). Another tool could be a shared calendar used by the RSO and Committee that outlines key reoccurring compliance tasks that can be reviewed by the Committee members that indicates progress/conclusion of each task. When issues requiring action are identified by the Committee, the minutes should reflect these items and they should remain on

future agendas/minutes until their action has been completed. The minutes should be reviewed by the Committee and approved by the facility Director who is the responsible official to ensure safe use of radioactive materials and regulatory compliance. The results of these minutes need to be presented to executive management, or another medical facility oversight committee/council at some reoccurring reporting period (e.g., committee reporting matrix). This also can be tracked and reported back to the Committee documenting completion. Using these tools, some of which are required based on NRC regulations or VHA Directive 1105.1, the Committee can identify and resolve competing priorities that may preclude successful implementation of a VA radiation safety program so NRC safety requirements can be fulfilled.

1. U.S. NRC, NUREG/BR-0099, Fact Sheet, Rev. 12, February 2007
2. [http://www.va.gov/about\\_va/mission.asp](http://www.va.gov/about_va/mission.asp), July 2008
3. <http://www1.va.gov/health/aboutVHA.asp>, June 2009
4. VHA Directive 1105.01, *Management of Radioactive Materials*, October 2009

Fun to open

FedEx

MON - 26 OCT A1

\*\* 2DAY \*\*

TRK# 8688 8941 2488  
0200

Part # 156207-435 RIT 1009

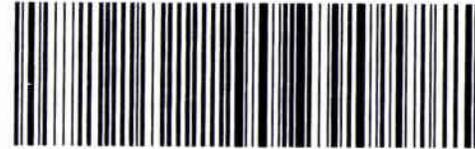
RT 535 1 D  
2488  
10.26

SE ENLA

60532 :  
IL-US  
ORD

FedEx Express US Airbill FZ

8688 8941 2488



1 From Date 10/22/09 Sender's FedEx Account Number

Sender's Name Michael T. Hackett Phone 859 224-3378

Company

Address 2327 Harcords Pointe Trace Dept./Floor/State/Room

City Lexington State KY ZIP 40514

2 Your Internal Billing Reference

3 To Recipient's Name Regional Administrator Phone

Company NAC Region III

Recipient's Address 2443 Warranville Road Dept./Floor/State/Room

Address To request a package be held at a specific FedEx location, print FedEx address here  
City Lisle State IL ZIP 60532



8688 8941 2488

fedex.com 1.800.GoFedEx 1.800.463.3339

Ins  
air  
he

4a Ex  
1  Fed New sign (not)

3  Fed Secs (ship order)

emp# 2265747 220CT09 17:42

4b Express Freight Service  
7  FedEx 1Day Freight\*  
8  FedEx 2Day Freight  
83  FedEx 3Day Freight

5 Packaging  
6  FedEx Envelope\*  
2  FedEx Pak\*  
3  FedEx Box  
4  FedEx Tube  
1  Other

6 Special Handling  
3  SATURDAY Delivery  
1  HOLD Weekday at FedEx Location  
31  HOLD Saturday at FedEx Location

7 Payment Bill to:  
1  Sender  
2  Recipient  
3  Third Party  
4  Credit Card  
5  Cash/Check

8 Residential Delivery Signature Options  
X  No Signature Requested  
10  Direct Signature  
34  Indirect Signature

520

fedex.com 1.800.GoFedEx 1.800.463.3339



Want more information?  
Go to [fedex.com](http://fedex.com), or call 1.800.GoFedEx 1.800.463.3339 for U.S. domestic shipments, 1.800.247.4747 for international shipments. Call your local FedEx office if you are outside the U.S.

© 2005 FedEx 155476/155475 REV 9/05 RT