

October 25, 2010

EA-10-190

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

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION – DEPARTMENT OF
VETERANS AFFAIRS

Dear Mr. Williams:

This letter refers to a reactive inspection conducted by your National Health Physics Program (NHPP) staff at the Edward Hines, Jr. Veterans Affairs (VA Hines) Hospital, located in Hines, Illinois. The inspection was conducted on October 1-2 and December 10, 2009, with continuing review through December 22, 2009, to review the circumstances of a security issue. Your staff closed the inspection on December 22, 2009, and issued Inspection Report 578-09-102 and a Notice of Violation containing a Severity Level III violation to the permittee via a memorandum dated December 23, 2009.

The U.S. Nuclear Regulatory Commission (NRC) reviewed the circumstances of the issue as outlined in your report and determined that a violation of NRC requirements occurred. The circumstances surrounding the violation are described in detail in the NHPP report.

The NRC evaluated the actions taken by the NHPP in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The NRC determined that the NHPP appropriately identified, processed, and ensured corrective actions for the violation in accordance with the enforcement procedures described in the NRC Master Materials License. In addition, you informed us that specific corrective actions were applied to other affected locations in addition to the VA Hines Hospital.

Therefore, after consultation with the Director, Office of Enforcement and in recognition of the enforcement action taken under the VA's NRC Master Materials License, the NRC is exercising enforcement discretion in accordance with Section 3.5 of the NRC Enforcement Policy and is not issuing a Notice of Violation or proposing a civil penalty in this matter. However, significant violations in the future could result in the issuance of a Notice of Violation or civil penalty.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and to prevent recurrence, and the date when full compliance was achieved have already been adequately addressed on the docket in the NHPP inspection report dated December 23, 2009. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply

to an Exercise of Enforcement Discretion, EA-10-190” and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, and a copy to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's “Rules of Practice,” a copy of this letter, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC’s Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov/about-nrc/regulatory/enforcement.html.

Sincerely,

/RA/

Mark A. Satorius
Regional Administrator

Docket No. 030-34325
License No. 03-23853-01VA

cc: Charles Anderson, Chair
National Radiation Safety Committee
Milton Gross, M.D., Chair Elect
National Radiation Safety Committee

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/RA/

Mark A. Satorius
Regional Administrator

Docket No. 030-34325
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cc: Charles Anderson, Chair
National Radiation Safety Committee
Milton Gross, M.D., Chair Elect
National Radiation Safety Committee

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Letter to Gary E. Williams from Mark A. Satorius dated October 25, 2010

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