

**Mendiola, Doris**

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**From:** Williams, Gary E [Gary.Williams3@va.gov]  
**Sent:** Tuesday, August 16, 2011 9:49 AM  
**To:** Rulemaking Comments  
**Cc:** Huston, Thomas E.  
**Subject:** Comments for proposed change to NRC Enforcement Policy; Docket ID NRC-2011-0176  
**Attachments:** VHA comments for NRC Enforcement Policy Aug 16 2011.docx

I am attaching Veterans Health Administration comments for the proposed change to the NRC Enforcement Policy.

The NRC reference is Docket ID NRC-2011-0176.

Gary E. Williams  
Director, National Health Physics Program Veterans Health Administration North Little Rock, Arkansas W 501-257-1572; C 501-256-5331

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The Veterans Health Administration (VHA) is a federal agency with a master materials license. A master materials licensee has regulatory authority to issue permits, complete inspections, and take other actions similar to those of regulatory agencies.

The specific comments below are based on VHA experience with implementation of a master materials license.

**Item 1: Revise Policy Sections for Clarity**

(A) Section 1.2, Applicability

VHA recommends that NRC include the additional underlined text in the first paragraph being added:

*It is NRC policy to hold licensees, certificate holders, and applicants responsible for the acts of their employees, contractors, or vendors and their employees when conducting activities under the license, certificate, or application, and the NRC may cite the licensee, certificate holder, or applicant for violations committed by its employees, contractors, or vendors and their employees.*

The reason for this comment is that there should be limitations on citing a licensee, certificate holder, or applicant for violations that were committed by a second licensee, certificate holder, or applicant (or their contractors, vendors, or their employees) after that second entity took possession of the regulated radioactive materials. For example, if a second party licensee (contractor to first party licensee) comes onto the first party's site and takes possession of a radioactive source for shipping it to a vendor and if that second party commits a violation such as improperly preparing the package for shipping, the violation should not be cited against the first party licensee, but instead against the second party licensee who served as shipper.