

From: [Leidholdt, Ed](#)
To: [Bryan Parker](#)
Cc: [Bushnell, David L.](#); [Abell, Clinton E.](#); [Bravenec III, Joseph S \(HOU\)](#); [Edwards, Mark W.](#)
Subject: [External_Sender] FW: Exemption still needed?
Date: Thursday, December 15, 2022 11:04:43 PM

Mr. Parker:

Please find immediately below an email message from David Bushnell, MD, Chair, VHA National Radiation Safety Committee, agreeing to withdraw VA's exemption request letter dated November 22, 2022.

Please contact me if you have any questions about this message.

Ed

Edwin M. Leidholdt, Jr., Ph.D., FACR
Executive Director
VHA National Health Physics Program (11SPEC12)
201 Walnut Avenue
Mare Island, California 94592
707 977-8052
edwin.leidholdt@va.gov

From: Bushnell, David L. <David.Bushnell@va.gov>
Sent: Wednesday, December 14, 2022 6:42 AM
To: Leidholdt, Ed <Edwin.Leidholdt@va.gov>
Cc: Barrickman, Deborah M. <Deborah.Barrickman@va.gov>; Edwards, Mark W. <Mark.Edwards5@va.gov>
Subject: RE: Exemption still needed?

Agree to withdraw the exemption request

From: Leidholdt, Ed <Edwin.Leidholdt@va.gov>
Sent: Tuesday, December 13, 2022 4:16 PM
To: Bushnell, David L. <David.Bushnell@va.gov>
Cc: Barrickman, Deborah M. <Deborah.Barrickman@va.gov>; Edwards, Mark W. <Mark.Edwards5@va.gov>
Subject: RE: Exemption still needed?

David:

I do not believe that I have heard back from you on this issue. If I missed a communication with you, I apologize.

Would you please give me a quick call, at 707 977-8052, to discuss?

Thank you,

Ed

From: Leidholdt, Ed

Sent: Thursday, December 8, 2022 3:02 PM

To: Bushnell, David L. <David.Bushnell@va.gov>

Cc: Barrickman, Deborah M. <Deborah.Barrickman@va.gov>; Edwards, Mark W. <Mark.Edwards5@va.gov>; Abell, Clinton E. <Clinton.Abell@va.gov>; Bravenec III, Joseph S (HOU) <JosephS.BravenecIII@va.gov>

Subject: FW: Exemption still needed?

Dr. Bushnell:

On Monday 5 Dec., NRC sent NHPP the amendment to the MML that we had requested to approve a revised NRSC SOP #2, *NHPP Inspection Procedures*. The new SOP #2 allows NHPP to announce inspections in advance under certain circumstances, including an epidemic or national emergency.

Bryan Parker asked to talk with me on the telephone on Tuesday. He feels that, with the amendment and the new SOP #2, VA no longer needs to request the exemption. He kindly, at my request, provided the information in the message below.

I concur that extending the exemption is not currently needed. However, the letter to NRC was signed by you, as NRSC Chair, and so I told Bryan that a request to withdraw the exemption request would need to be at least approved by you.

Please let us know how you would like to proceed on this.

Ed

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From: Bryan Parker <Bryan.Parker@nrc.gov>

Sent: Tuesday, December 6, 2022 11:12 AM

To: Leidholdt, Ed <Edwin.Leidholdt@va.gov>

Subject: [EXTERNAL] Exemption still needed?

Hey Ed,

Thanks for the discussion earlier. After approving the SOP-02 revision, I am not convinced that the VA has a continuing need for the exemption. As you know, the exemption has been carried for a while now to accommodate 2 issues during the COVID pandemic: 1) the need to announce inspections since SOP-02 explicitly stated that all inspections were to be unannounced with no room for exception; and 2) provide allowance for inspections to go “late” because of the high probability that many inspections would have to be postponed due to COVID conditions.

Now, after reviewing and approving the SOP-02 revision which, among other things, allows for announcing inspections when necessary (i.e., during pandemics or national emergencies), one-half of the need for the exemption is gone. But, with regard to inspection timeliness, it also appears that the need for exemption has greatly diminished.

As the Biennial inspection showed, the NHPP is in a very good place now with regard to accomplishing inspections within the “windows” allowed in Manual Chapter 2800. Specifically, we saw in the Biennial that of the 135 inspections completed over the 3-year review period (Nov-2019-Oct 2022), only 18 of those inspections were deferred, or roughly 13%. And, by the time of the Biennial, those were all caught up. From that, I can safely say that even if you had not had an exemption in place to account for those deferments, there would have been essentially no repercussions from having that many late inspections due to the circumstances related to COVID.

The current exemption expires on December 31, 2022, and my understanding is that there are very few, if any, inspections coming up in the first half of 2023 that would go “late”. Therefore, I would like you strongly consider withdrawing the request for the exemption and see how things progress over the next 90-120 days. If, at that time, it appears that an exemption will again be beneficial, we can address that then. However, please keep in mind that having “some” late inspections is not a significant regulatory concern, especially when there is suitable justification for having them.

I would be glad to discuss this further with you and/or Dr. Bushnell.

Please let me know if you have any questions.

Thanks.

Bryan

Bryan A. Parker

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