

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE AND TECHNOLOGY

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July 31, 2008

Mr. Elmo Collins  
Regional Administrator of the Region IV Office  
U. S. Nuclear Regulatory Commission  
Texas Health Resources Tower  
612 E. Lamar Blvd., Suite 400  
Arlington, TX 76011-4125

Dear Mr. Collins:

On behalf of the Subcommittee on Technology and Innovation of the Committee on Science and Technology, I want to express my sincere appreciation for your participation in the July 15, 2008 hearing entitled *Oversight: Low-Level Plutonium Spill at NIST-Boulder; Contamination of Lab and Personnel*.

I have attached a transcript of the hearing for your review. The Committee's rule pertaining to the printing of transcripts is as follows:

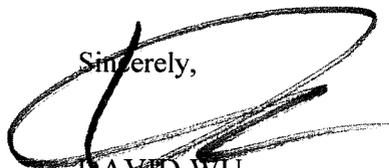
*The transcripts of those hearings conducted by the Committee shall be published as a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.*

Transcript edits, if any, should be submitted by August 14, 2008.

I am also enclosing questions submitted for the record by Members of the Committee. These are questions that Members were unable to pursue during the time allotted at the hearing but felt were important to address as part of the official record. All of the enclosed questions must be responded to no later than August 14, 2008.

All transcript edits and all of the responses to the enclosed questions should be submitted to me and directed to the attention of Meghan Housewright, 2320 Rayburn House Office Building, Washington, DC, 20515. If you have any further questions or concerns, please contact Ms. Housewright at (202) 225-9662.

Sincerely,



DAVID WU

Chair

Subcommittee on Technology and Innovation

AUG - 4 2008

Enclosure: Transcript, Questions

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE AND TECHNOLOGY  
SUBCOMMITTEE ON TECHNOLOGY AND INNOVATION**

**HEARING ON**

***OVERSIGHT: LOW-LEVEL PLUTONIUM SPILL AT NIST BOULDER;  
CONTAMINATION OF LAB AND PERSONNEL***

**July 15, 2008**

**Question for the Record Submitted to:**

**Dr. Charles Miller  
Director  
Office of Federal and State Materials and Environmental Management Programs  
U. S. Nuclear Regulatory Commission  
&  
Mr. Elmo Collins  
Regional Administrator of the Region IV Office  
U.S. Nuclear Regulatory Commission**

Question Submitted by Subcommittee Chairman Wu

- 1) It was noted by several witnesses that no one at NIST seemed to appreciate the difference between a sealed source and an encapsulated source, which, as Dr. Rogers noted, is not a technical term. Was the failure to pursue precise information regarding the source consistent with the lax manner in which NIST handled these materials? How do you think this lack of distinction between sealed and encapsulated contributed to this accident? Does the definition of the term “encapsulated” need to be clarified?
- 2) The NRC learned of the release at NIST-Boulder on Tuesday, June 10<sup>th</sup>, and sent inspectors to Boulder on Thursday, June 12<sup>th</sup>. What guidelines and requirements does the NRC follow to determine when to dispatch inspectors? When NIST first informed the NRC, did they appreciate the magnitude of the incident? Was the description of the event presented to the NRC accurate?

Question Submitted by Subcommittee Ranking Member Gingrey

- 1) Your testimony describes a range of enforcement actions that are available to the NRC that apply to a federal laboratory like NIST-Boulder, including civil penalties. Can you elaborate on what enforcement tools the NRC has at its disposal? Can you fine a federal agency or individuals involved in a mishap? In the past, what types of enforcement

actions has the NRC taken to respond to research mishaps involving small amounts of regulated material?

- 2) How would you characterize the NRC's role and responsibility in oversight of small laboratory research, as compared with facilities with nuclear reactors? Does the NRC provide guidance for structuring safety regimes in research environments? How do you foster a safe operating regime in a complex and dynamic setting where prescriptive rules may be insufficient or counterproductive to the underlying research?