



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

April 18, 2011

EA-09-142

Richard F. Kayser, Ph.D, Chief Safety Officer
Office of Safety, Health, and Environment
National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, Maryland 20799-1730

SUBJECT: RESPONSE TO SECTION V, CONDITIONS 1(a) and 2 OF THE MARCH 1,
2010 CONFIRMATORY ORDER

Dear Mr. Kayser:

This is to acknowledge receipt of your email dated December 17, 2010, in response to NRC's letter dated September 30, 2010. As discussed in our September 15, 2010, meeting with you and your staff at the Department of Commerce, National Institute of Standards and Technology (NIST) facility in Gaithersburg, NRC needed clarification on several areas of the Statement of Work, which was required by Section V, Condition 1(a) of the Confirmatory Order (EA-09-142) issued on March 1, 2009. We have reviewed Revision 2 of the Statement of Work and find that you have adequately addressed the items discussed with you and identified in NRC's September 30 letter. NRC approves your Statement of Work and selection criteria for obtaining an independent consultant to evaluate the effectiveness of NIST's radiation safety programs for NRC licenses SNM-362 and 05-03166-05.

We are also acknowledging receipt of the results of the 2010 annual audits of the radiation program content and implementation at NIST's Boulder, Colorado, and Gaithersburg, Maryland facilities as required by Section V, Condition 2 of the Order. There were no findings identified during the audit of the Boulder program. Five findings were identified during the Gaithersburg program audit. We noted that the auditors provided numerous recommendations for the Ionizing Radiation Safety Committee to consider for improving implementation. These will be reviewed during future inspections.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Roy Caniano, Director
Division of Nuclear Materials Safety

Dockets: 030-03732 and 070-00398
License: 05-03166-05 and SNM-362

cc w/enclosure:
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V.H.Campbell
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RITS Coordinator
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