



August 15, 2011

Ms. Jacqueline D. Cook
Senior Health Physicist
United States Regulatory Commission, Region IV
612 East Lamar Blvd., Suite 400
Arlington TX 76011 – 4125

Dear Ms. Cook:

I am in receipt of your email deficiency letter sent to Dr. Jacob McDonald and Mr. Scott Weiner notifying them of two issues that needed to be resolved with regarding to our NRC license. These issues were: the qualifications of Scott Weiner to serve as the LRRI radiation safety officer; and Scott's responsibilities as the LRRI Radiation Safety Officer.

With regard to the first question, during Scott's entire career at Lovelace Respiratory Research Institute (LRRI), and the tenure of multiple RSOs, he has been responsible for and overseen the LRRI Radiation Safety Program. As part of this oversight, he has had day-to-day involvement in the radiation safety program. This extensive involvement, coupled with his prior experience as a radiation survey technician and supplemented by a 40 hour Harvard School of Public Health Center for Continuing Professional Education course he attended June 11-15, 2007, entitled: "**Radiation Safety Officer Training for Laboratory Professionals**", provides him with the qualifications to be RSO.

Some examples of his experience at LRRI that qualify him to be RSO include:

- Development and submission of a license amendment that obtained NRC approval to use special nuclear material. Along with this submission, engineering controls were identified that have successfully limited employee exposure and release to the environment.
- Review of research protocols involving radioactive materials (including SNM) and extremely hazardous chemical weapons to identify the necessary personal protective equipment and administrative and engineering controls necessary to mitigate employee exposure and environmental release.
- Preparation, packaging and shipment of radioactive and mixed waste in accordance with regulatory requirements.
- Participation in the development of training programs that address the risks involved in using SNM in conjunction with hazardous chemicals.
- Development and implementation of increased controls for SNM and chemicals in order to deter, detect and detain potential intruders. This also included the implementation of a trustworthy and reliability assessment program.

I feel that the set of skills identified above, in addition to his close working relationships with the members of the LRRI Radiation Safety Committee, make him qualified to be the LRRI RSO.

With regard to question #2, as RSO, Scott Weiner's responsibility will be to continue the implementation of LRRI's Radiation Safety Program. He will report to the LRRI Radiation Safety Committee (RSC) and will implement the policies, rules and decisions established by the RSC. He is delegated authority to:

- Monitor safe use of radioactive materials under our License;

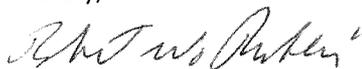
- Enforce compliance with regulations, license conditions and Institute policies and procedures;
- Manage day-to-day activities of the LRRRI Radiation Safety Program;
- Identify radiation safety problems, initiate, recommend and, if appropriate, implement corrective actions.

He is also authorized and directed to terminate immediately any project or operation that represents a radiological risk to worker health, property or the environment. He will continue to implement the LRRRI's effective radiation safety program and, in that capacity, his responsibilities will include, but will not be limited to:

1. Maintaining surveillance over all activities involving radioactive materials or ionizing radiation-generating sources;
2. Investigating overexposures, accidents, spills, losses, thefts, unauthorized receipts, uses, transfer, disposals and other deviations from approved radiation safety practice;
3. Establishing and/or implementing criteria for the utilization of personal monitoring devices and for performing bioassays and maintain the corresponding personnel exposure records;
4. Establishing investigation levels for radiation exposure to personnel that will trigger an investigation when exceeded;
5. Providing and/or coordinating training for radiation users on the proper procedures for the use of radioactive materials and other radiation sources;
6. Ensuring that radiation measuring and surveying equipment are calibrated and operating properly;
7. Ensuring that periodic radiological evaluations and surveys are being conducted where all radiation generating machines are used and where all radioactive materials are stored or used;
8. Establishing, in coordination with the LRRRI RSC, written policies and procedures for purchasing, receiving, opening, storing, using and disposing of radioactive materials;
9. Ensuring that all incoming shipments of radioactive materials to LRRRI are properly surveyed and recorded and that all outgoing shipments (e.g. waste) are properly packaged, labeled, manifested and transported;
10. Supervising and coordinating the radioactive waste disposal program, including the maintenance of all records;
11. Maintaining an inventory of all radioactive materials and ensuring that the quantities in possession are limited to the amounts authorized in LRRRI's license;
12. Ensuring that leak testing is performed on all sealed sources;
13. Maintaining copies of all licenses, regulations, policies, procedures and other records pertaining to the radiation protection program;
14. Coordinating LRRRI's continued efforts to comply with the NRC's requirements for increased controls;
15. Coordinating annual self-audits of the LRRRI Radiation Program;

Please contact me if you require any further information with regard to Scott Weiner's application to be Lovelace Respiratory Research Institute's RSO.

Sincerely,



Robert W. Rubin, Ph.D.
President and CEO