



UNITED STATES DEPARTMENT OF COMMERCE  
National Institute of Standards and Technology  
Gaithersburg, Maryland 20899-

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DNMS

July 12, 2011

Mr. Elmo Collins, Jr.  
Regional Administrator  
U.S. Nuclear Regulatory Commission, Region IV  
612 East Lamar Boulevard, Suite 400  
Arlington, TX 76011-4125

Subject: Confirmatory Order Item 1b) / Request for Extension

Dear Mr. Collins:

Item 1b) of the March 1, 2010 Confirmatory Order issued by the NRC to NIST in connection with NRC Inspection Report 030-03732/2008-001 and NRC Investigation Report 4-2008-062 states:

“1) NIST shall contract with an independent consultant to evaluate the effectiveness of its radiation safety programs for licenses SNM-362 and 05-03166-05.

b) Within 120 days of NRC's approval of the statement of work and the selection criteria, the consultant's assessment plan shall be submitted to the Director, Division of Nuclear Materials Safety, U.S. NRC, Region IV, for review and approval. In the event that NIST requires an extension of time to submit the assessment plan to NRC, a request for extension shall be submitted to the Regional Administrator, NRC Region IV.”

The NRC approved the referenced statement of work and selection criteria on April 18, 2011; this started the 120-day clock, which will expire on August 16, 2011.

As you may recall, NIST expressed concerns about the 120-day clock as part of the Alternative Dispute Resolution, and this resulted in the inclusion of the extension language in Item 1b). In accordance with that language, NIST is hereby requesting an extension of the deadline from August 16, 2011 to Monday, October 31, 2011. The basis for this request is twofold: (1) NIST is unlikely to be able to make an award until late September 2011, and (2) once the award has been made, the consultant has 30 calendar days to provide the assessment plan to the NRC.

**NIST**

NIST is making every effort to ensure award of the contract by the end of September. If that appears or proves to be impracticable, NIST will inform you as soon as possible and request an additional extension.

Thank you for your consideration of this request. As always, you may reach me at 301-975-4502 or at [richard.kayser@nist.gov](mailto:richard.kayser@nist.gov).

Sincerely,



Richard F. Kayser  
Chief Safety Officer

cc: Mr. Roy Caniano  
Director, Division of Nuclear Materials Safety

✓ Ms. Vivian Campbell  
Chief, Nuclear Materials Safety Branch A  
Division of Nuclear Materials Safety