

March 23, 2017

Mr. Richard F. Kayser, Chief Safety Officer
U.S. Department of Commerce (NIST)
100 Bureau Drive
Gaithersburg, MD 20899

SUBJECT: REVIEW OF STATEMENT OF INTENT FOR DECOMMISSIONING ACTIVITIES
(COST ACTIVITY CODE L33426)

Dear Mr. Kayser:

On September 29, 2016, you submitted an update to your funding for decommissioning activities at the U.S. Department of Commerce National Institute of Standards and Technology (NIST). The submittal was signed by Dr. Willie E. May, at that time the Undersecretary for Standards and Commerce & Director of NIST. The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the Statement of Intent (SOI) for the NIST Special Nuclear Material (SNM) License, SNM-362, according to NUREG-1757, Volume 3, "Financial Assurance, Recordkeeping, and Timeliness."

Based on this review, the NRC staff has determined that the SOI and supporting documentation submitted by the licensee meets the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 70.25, "Financial assurance and recordkeeping for decommissioning." A Safety Evaluation Report is enclosed. For future reference, please note that your submittal cited 10 CFR Paragraph 30.35(f)(4), which is the byproduct material counterpart regulation to the SNM regulatory reference 10 CFR 70.25(f)(4). Should the amount of financial assurance or estimated decommissioning cost increase to a level above the amount assured by the SOI, NIST must either: (1) revise the statement of intent to assure the higher amount or (2) obtain another financial assurance mechanism to make up the difference between the new coverage level and the amount of the SOI. The cost estimates for decommissioning must be updated at least every 3 years along with a certification of financial assurance.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact me at (301) 415-7352, or via e-mail at Tyrone.Naquin@nrc.gov.

Sincerely,

/RA/

T.D. Naquin, Project Manager
Fuel Manufacturing Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-398
Enclosure: As stated

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