



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 7, 2024

Dr. James Adams, Director  
National Institute of Standards and  
Technology  
NIST Center for Neutron Research  
U.S. Department of Commerce  
100 Bureau Drive, Mail Stop 6101  
Gaithersburg, MD 20899-6101

**SUBJECT: NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY – REQUEST FOR  
ADDITIONAL INFORMATION TO SUPPORT REVIEW OF THE REQUESTED  
MODIFICATIONS TO THE NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY CONFIRMATORY ORDER EA-21-148**

Dear Dr. Adams:

The purpose of this letter is to request additional information from the National Institute of Standards and Technology (NIST) by letter dated February 22, 2024 (Agencywide Documents Access and Management System Accession No. ML24054A368), wherein NIST requested two modifications to the August 1, 2022, NIST Confirmatory Order (CO) EA-21-148 (ML22206A213).

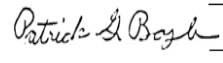
NIST requested to modify section V.2.a.vii of the CO to allow conduct of the second independent safety culture assessment more than 12 months following the completion of the initial assessment. NIST also requested to modify the U.S. Nuclear Regulatory Commission (NRC) staff's NIST Supplemental Inspection Table dated August 1, 2022 (ML22206A008), activity to evaluate the adequacy of corrective actions for re-evaluated root cause analysis. The NRC staff reviewed the requested modification to the NIST CO based upon the provisions in the CO and the guidance provided in the "Nuclear Regulatory Commission Enforcement Manual" Revision 11, Change 15, dated December 26, 2023 (ML23360A760), and determined the following additional information is needed to consider the request.

The first recommendation requests the relaxation of the CO condition requiring a second safety culture assessment within 12 months of completing the initial assessment. As described in section 2.7.8 of the Enforcement Manual, in order for the NRC staff to grant a relaxation of a CO condition the recipient of the order must show "good cause" and provide justification that the relaxation would continue to provide reasonable assurance of adequate protection. Neither "good cause" or a sufficient justification was provided in the relaxation request. Consistent with the Enforcement Manual, the request to relax the CO requirement should include a description of how the licensee made reasonable efforts to comply with the requirement, an explanation related to the minimal impact on safety (e.g., how safety would be ensured at the facility during the additional time requested to conduct a follow-up safety culture survey), and other actions taken to reduce risk related to the relaxation of the CO.

The second recommendation requests an adjustment to the supplemental inspection program related to the CO. The NRC staff maintains awareness of licensee activities and will adjust inspections schedules at its own discretion to achieve the inspection objectives.

If you have any questions, please contact me at (301) 415-3936, or by email to [Patrick.Boyle@nrc.gov](mailto:Patrick.Boyle@nrc.gov).

Sincerely,

 Signed by Boyle, Patrick  
on 03/07/24

Patrick Boyle, Project Manager  
Non-Power Production and Utilization Facility  
Licensing Branch  
Division of Advanced Reactors and Non-Power  
Production and Utilization Facilities  
Office of Nuclear Reactor Regulation

Docket No. 50-184  
License No. TR-5

cc: GovDelivery Subscribers

SUBJECT: NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY – REQUEST FOR ADDITIONAL INFORMATION TO SUPPORT REVIEW OF THE REQUESTED MODIFICATIONS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CONFIRMATORY ORDER EA-21-148 DATED: MARCH 7, 2024

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**NRR-106**

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