UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

January 31, 2013

EA-09-142

U.S. Department of Commerce
National Institute of Standards
and Technology
ATTN: Richard F. Kayser, Ph.D.
Chief Safety Officer
Building 301, Room B111
Gaithersburg, MD 20899-1730

SUBJECT: APPROVAL OF INDEPENDENT CONSULTANT (CONFIRMATORY ORDER EA-09-142)

Dear Dr. Kayser:

This is in reference to the requirements of Confirmatory Order (ML100601095) dated March 1, 2010, in which National Institute of Standards and Technology (NIST) was required to contract with an independent consultant to evaluate the effectiveness of its radiation safety programs for licenses SNM-362 and 19-03166-06. In a letter dated July 20, 2011 (ML11201A3350), the U.S. Regulatory Commission (NRC) extended the time for NIST's submittal of the independent consultant's assessment plan to October 31, 2011, which allowed NIST additional time to contract the independent consultant and to submit the consultant's assessment plan to NRC for review and approval. In a letter dated October 3, 2011 (ML11284A1011), NIST submitted a request for approval to contract Tidewater, Inc. as an independent consultant to perform the assessment, in accordance with Condition 1(b) of the Order. Subsequently, in a letter dated October 20, 2011 (ADAMS ML11304A2270), Tidewater, Inc. submitted to NRC the Radiation Safety Program Assessment Plan.

Since that time, you have had several discussions with Mr. Michael Vasquez, Chief, Nuclear Materials Safety Branch A, about the timing that Tidewater would conduct its assessment. At the time, your license renewal was being reviewed by the NRC and it was expected to result in significant changes to your radiation safety program. You and Mr. Vasquez discussed the idea of Tidewater assessing your radiation safety program against the new license requirements rather than the existing requirements. However, as of the date of this letter, the NRC's review of your license renewal has not yet been completed. You and Mr. Vasquez agreed that the program assessment should commence without any more delays.

Therefore, with this letter, the NRC is approving the Radiation Safety Program Assessment Plan dated October 20, 2011, in addition to NIST's contracting with Tidewater, Inc. to perform the assessment required by Condition 1(b) of the Order. In accordance with Condition 1(c) of the Order, within 30 days of the date of this letter, the consultant shall commence an assessment of NIST's radiation safety programs.

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/

Anton Vegel, Director
Division of Nuclear Materials Safety

Dockets: 030-38408
030-03732
070-00398

Licenses: 19-03166-06
05-03166-05
SNM-362

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SNM-362

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ADAMS	☐ No	☒ Yes	☒ SUNSI Review Complete	Reviewer Initials: gmv
	☒ Publicly Available		☒ Nonsensitive	
	☐ Nonpublicly Available		☐ Sensitive	

C:NMSB-A	D:DNMS			
GMVasquez: jm	AVegel			
//RA//	***/RA/***			
01/31/2013	01/31/2013			

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