

U.S. DEPARTMENT OF COMMERCE

NIST BLUE RIBBON COMMISSION ON MANAGEMENT AND SAFETY

ESTABLISHMENT

The Secretary of Commerce (the Secretary), pursuant to duties imposed by law upon the Department of Commerce, including the Federal Advisory Committee Act (5 U.S.C., App.), and with the concurrence of the General Services Administration, hereby establishes the NIST Blue Ribbon Commission on Management and Safety.

OBJECTIVES AND DUTIES

The objectives and duties of the Commission shall be to investigate whether (a) the training, safety, security, and response protocols, (b) the implementation of those protocols and internal controls, and (c) the management structure at the National Institute of Standards and Technology (NIST) are appropriate to ensure the safe operation of all NIST programs.

Among other things, the Commission is encouraged to consider the relevant findings of:

- the Nuclear Regulatory Commission;
- the Department of Energy's Radiological Assistance Program;
- the NIST Ionizing Radiation Safety Committee;
- the NIST Safety, Health, and Environment Division;
- the NIST Visiting Committee on Advanced Technology;
- the five radiation and physics experts charged by the Deputy Director of NIST with providing their individual recommendations on corrective actions, avoiding future incidents, and improving safety performance and incident response; and
- the Inspector General's efforts to review the June 9, 2008 NIST plutonium incident, document lessons learned, and make recommendations accordingly; more broadly to review training, safety, and response operations at all NIST facilities; and more broadly to review NIST's management structure in terms of its ability to ensure incident preparedness and response.

The Commission shall submit oral and written reports to the Secretary on its findings.

The Commission shall function solely as an advisory body and will comply fully with the requirements of the Federal Advisory Committee Act.

MEMBERS AND CHAIRPERSON

1. The Commission shall be composed of not more than seven members appointed by the Secretary.

2. Each member shall be appointed for the duration of the Commission and will serve at the pleasure of the Secretary.
3. The Commission's membership will include qualified experts with public or private sector experience in one or more of the following areas:
 - Management and organizational structure;
 - Training and human resources operations;
 - Laboratory management and safety;
 - Hazardous materials safety;
 - Emergency medical response;
 - Environmental safety;
 - Environmental remediation; and
 - Security for hazardous materials.
4. Members shall serve as Special Government Employees (SGEs) and shall be subject to the ethical standards applicable to SGEs.
5. The Secretary shall appoint a Chair and a Vice Chair to serve in the absence of the Chair. Both members will serve in those capacities for the duration of the Commission, at the pleasure of the Secretary.

ADMINISTRATIVE PROVISIONS

1. The Commission shall begin its investigation within fourteen days of establishment. It shall provide an oral briefing of its preliminary findings to the Secretary within 45 days of beginning its investigation, and written findings within 90 days of beginning its investigation.
2. The Commission shall be under the direction of the Senior Advisor to the Deputy Secretary of Commerce (Senior Advisor), who shall serve as the Designated Federal Officer.
3. The Commission shall convene approximately three times, or at the call of the Senior Advisor, or his designee, provided that the designee is a Federal employee.
4. With the exception of support provided by the Senior Advisor, NIST shall provide funding and administrative support, including a Special Assistant, for the Commission.
5. Members of the Commission shall serve without compensation for their work on the Commission. However, while engaged in the work of the Commission, members may request travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service (5 U.S.C. 5701 through 5707), consistent with the availability of funds.
6. The Senior Advisor may establish such subcommittees of Commission members as he considers necessary for the performance of the Commission's objectives and duties. The Chair, Vice Chair, and members of subcommittees shall be designated by the Secretary. Anticipated

subcommittees shall focus on: (a) training, safety, security, and response protocols; (b) implementation of protocols and internal controls; and (c) management structure. The subcommittees shall not advise the Secretary directly, but shall forward all draft and preliminary findings and work to the Commission so that it may deliberate on the matters before presenting findings to the Secretary.

7. The annual cost of operating the Commission is estimated at not more than \$100,000, which includes .25 person-years of staff support.

8. The NIST Special Assistant, or her delegee, shall be responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act.

DURATION

This charter shall terminate one year from the filing of this charter with the appropriate U.S. Senate and House of Representatives Oversight Committees unless earlier terminated or renewed by proper authority.

Chief Financial Officer and
Assistant Secretary for Administration

Date