



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
325 Broadway
Boulder, Colorado 80305-3328

July 22, 2008

Stephanie A. Grainger
Interim City Manager
P.O. Box 791
Boulder, CO 80306-0791

Dear Ms. Grainger:

Thank you for making time in your schedule on Thursday to meet with Jim Turner, Rich Kayser, and Gail Porter.

As was discussed during the meeting, NIST values your advice and counsel as we make improvements to our safety programs to help ensure that incidents like the plutonium spill on June 9 and the inappropriate discharge to the sanitary sewer system do not occur in the future.

We are committed to making sure that NIST operates in a manner that protects the health and safety of both our own staff and the citizens of Boulder. We are also committed to improving communications between the City and NIST Boulder managers so that should an emergency of any kind occur in the future we will be better able to promptly and accurately communicate with your office, as well as other City departments.

In your letter of July 14 to the Honorable Bart Gordon, Chairman of the U.S. House of Representatives Committee on Science and Technology, you list a number of actions that you would like NIST to take. Our responses to those requests are listed below.

1. NIST suspended use of all radioactive materials at its Boulder facility. We will not be reapplying to the Nuclear Regulatory Commission (NRC) for permission to use plutonium or any other special nuclear materials at any time in the foreseeable future. In the future, should NIST demonstrate to the NRC's satisfaction that it has the radiation safety programs, plans, controls, and auditing procedures in place to safely handle lower risk radiation sources, we will notify the City prior to restarting such work and will provide documentation of our safety practices, procedures, and training requirements.
2. We are currently developing a detailed plan for decontaminating the laboratory room where the plutonium spill occurred. The plan involves contracting for decontamination services with a contractor licensed by the NRC. In addition, the NRC must approve the NIST plan before any decontamination efforts can begin. We will share this plan with you as soon as approval has been provided by the NRC.

3. We are currently conducting an assessment and inspection of hazardous materials present on the NIST Boulder campus. We will complete this task as soon as possible and will provide you with a report of our findings.
4. We will conduct an audit of safety and training procedures for the handling of hazardous materials used and stored on the NIST Boulder campus. We will complete this audit and provide the results to the City and to the public as soon as possible. These efforts must be performed thoroughly and comprehensively, and thus may take longer than the 90 days requested by the City.
5. The thrust of your concerns in item 5 are methods for ensuring that all hazardous materials are properly handled. As was discussed in the meeting on Thursday, NIST works with a licensed contractor to properly dispose of hazardous waste on a regular basis to avoid accumulating these materials. We have established procedures that prohibit discharges of hazardous materials into the sanitary sewer system, and we are committed to making sure that all staff and guest researchers are properly trained about these requirements. We will continue to monitor discharges into the sanitary sewer system and will abide by all permit requirements. We also pledge to benchmark with other federal agencies about their handling, treatment, and monitoring of hazardous waste materials and to implement any best practices not already being implemented on the NIST Boulder site. We will keep you informed as we implement these practices.
6. We will develop a detailed communications plan that specifies which jurisdictions and agencies regulate NIST's handling and disposal of hazardous materials and will include in this document examples of the types of events that will be reported to those jurisdictions and agencies, including the City. We welcome your willingness to conduct a joint exercise with us. In addition, we will share with you our recently developed Emergency Notification Checklist to assure that all appropriate City agencies are included.
7. Numerous audits and reviews of NIST's safety programs are under way. We will use this information to substantially strengthen the content, implementation, and auditing procedures for NIST safety training programs.
8. In conjunction with its pretreatment permit, NIST will report annually to the City any license changes for radioactive materials. As noted above, all work with radioactive materials is suspended at NIST Boulder.
9. NIST will pay the costs of additional testing required to test and monitor the sanitary sewer system for effects from the plutonium discharge. In return, we request that these tests results be provided to NIST by the contractor conducting the tests as soon as available.

In addition to the activities described above, NIST also has asked external safety experts to audit its safety programs broadly to ensure that it has in place the proper safety procedures for its various program areas and that its researchers and contractors are properly trained in those procedures. In a separate effort, NIST's Ionizing Radiation Safety Committee is conducting a thorough investigation of the plutonium incident and NIST's response to it, including its communications efforts; this committee will be making recommendations for improvements.

Finally, a blue ribbon panel is being formed by the Secretary of Commerce to investigate the incident and to offer recommendations to NIST and the Department for improvements.

We expect to complete the first phase of the Ionizing Radiation Safety Committee investigation within the next several weeks and we will provide its report, as well as additional reports from follow on phases, to both the City and the public. The Secretary of Commerce has also asked me to convey to you that the findings of the blue ribbon panel will be made available to both the City and the public.

NIST deeply appreciates its connection to the City of Boulder and the surrounding community. We want to be a good corporate citizen and to ensure that our operations are safe and protect the environment. We look forward to working with you and to communicating on a regular basis as we work to ensure that NIST is a better, safer place to work that is a valued part of the Boulder community.

Sincerely,

Thomas R. O'Brian
Director, NIST Boulder Laboratories

cc: The Honorable Bart Gordon
The Honorable Ralph Hall
The Honorable David Wu
The Honorable Phil Gingrey
The Honorable Mark Udall
The Honorable Ken Salazar
The Honorable Wayne Allard
The Honorable Carlos Gutierrez, Secretary of Commerce
Shaun McGrath, Mayor
Crystal Grey, Deputy Mayor
Suzy Ageton, Council Member
Matt Applebaum, Council Member
Macon Cowles, Council Member
Angelique Espinoza, Council Member
Lisa Morzel, Council Member
Susan Osborne, Council Member
Ken Wilson, Council Member
James M. Turner, NIST Deputy Director
Richard Kayser, NIST Chief Scientist
Gail Porter, Director, NIST Public and Business Affairs
Paul J. Fetherston, Deputy City Manager
Maureen Rait, Executive Director, Public Works
Ned Williams, Director, Public Works/Utilities