UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

AUG 2 3 2007

U.S. Nuclear Regulatory Commission
Attn: Ms. Breeda Reilly, Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Materials Safety and Safeguards
11545 Rockville Pike, Mail Stop: EBB E2-C40
North Bethesda, MD 20852-2738

REFERENCE: License #SNM-362; Docket #70-398

Dear Ms. Reilly:

As Deputy Director of the National Institute of Standards and Technology (NIST), I exercise express authority and responsibility to request from the Congress of the United States of America, through the U.S. Department of Commerce (DOC) and the Office of Management and Budget, funds for decommissioning activities associated with operations authorized by the U.S. Nuclear Regulatory Commission Material License No. SNM-362. Authority is established by 15 U.S.C. 274, DOC Organizational Order 30-2B, DOC Administrative Order 203-1, and NIST Administrative Manual Subchapter 8.03.

Within this authority, at the time a decision is made to discontinue operations and decommission the NIST laboratories housing radioactive materials under the SNM-362 license, located on the NIST campus at 100 Bureau Drive, Gaithersburg, Maryland, I intend to request that funds be made available in the amount of $2.7 million. The estimate of costs for decommissioning activities is based on the regulatory conditions, licensed activities, and economic conditions as of calendar year 2007. Appropriate escalations will be applied as necessary to accommodate future conditions when decommissioning is required. I intend to request these funds sufficiently in advance of decommissioning to prevent delay of required activities.

The above-referenced documents are enclosed as evidence that I am authorized to represent NIST in this transaction.

Sincerely,

James M. Turner
Deputy Director

Enclosures

NIST

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 3, 2005]
[Document not affected by Public Laws enacted between
January 3, 2005 and June 7, 2006]
[CITE: 15USC274]

TITLE 15--COMMERCE AND TRADE

CHAPTER 7--NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 274. Director; powers and duties; report; compensation

The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have the general supervision of the Institute, its equipment, and the exercise of its functions. The Director shall make an annual report to the Secretary of Commerce. The Director may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the exercise of the functions of the Institute. The Director shall be compensated at the rate in effect for level IV of the Executive Schedule under section 5315 of title 5. Until such time as the Director assumes office under this section, the most recent Director of the National Bureau of Standards shall serve as Director.

(Mar. 3, 1901, ch. 872, Sec. 5, 31 Stat. 1449; Pub. L. 99-73, Sec. 6(a), July 29, 1985, 99 Stat. 172; Pub. L. 100-418, title V, Sec. 5112(c)(1), Aug. 23, 1988, 102 Stat. 1431.)

Amendments

1988--Pub. L. 100-418 amended section generally, substituting provisions relating to appointment, powers and duties, and compensation of, and reports by, Director of the Institute for similar provisions relating to Director of the Bureau of Standards, striking out requirement that the annual report include an abstract of the work done during the year and a financial statement, and inserting provision that until such time as the Director assumes office under this section, the most recent Director of the National Bureau of Standards shall serve as Director.

1985--Pub. L. 99-73 substituted ``The Director'' for ``He'' at beginning of second, third, and fourth sentences, and inserted provisions relating to compensation for the Director.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99-73 effective Oct. 1, 1985, see section 6(c) of Pub. L. 99-73, set out as a note under section 5315 of Title 5, Government Organization and Employees.

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APPROPRIATION REQUESTS AND RELATED BUDGET MATTERS

Number: DAO 203-1 **Effective Date:** 2007-04-20

SECTION 1. PURPOSE.

.01 This order prescribes policies and identifies responsibilities within the Department of Commerce ("the Department") with respect to the handling of matters pertaining to Commerce appropriation requests, estimates of future budgetary needs, and related budget matters. In addition to the provisions of this order, those primarily concerned with these requirements should also familiarize themselves with the provisions of Office of Management and Budget (OMB) Circular No. A-11, and the Legislative Reorganization Act of 1970.

.02 This Order:
a. reflects OMB Circular A-11, revised June 2006, "Preparation, Submission, and Execution of the Budget";

b. applies Requirements of the Legislative Reorganization Act of 1970 regarding estimates of financial requirements of proposed legislation;

c. reflects advice from OMB on the handling of program evaluations and studies which are considered as part of the budget estimates; and

d. emphasizes the authority delegated to the Chief Financial Officer and Assistant Secretary for Administration ("CFO/ASA") under Department Organization Order 10-5 and the Director, Departmental Office of Budget (the "Departmental Budget Officer") under Department Organization Order 20-3.

.03 This revision reflects a 2002 amendment to an anti-lobbying restriction under 18 U.S.C. 1913 (Act of June 25, 1948, Chapter 645 (62 Stat. 792)). The amendment inserted additional language to the restriction and rewrote a penalty provision for violations of the restriction.

SECTION 2. SCOPE.

This order applies throughout the Department with respect to:

.01 Recommendations or proposals relating to regular, supplemental, or deficiency appropriations, including estimates of financial requirements for proposed authorization bills and other legislation;

.02 Investigations or studies initiated by the Congress, OMB, the Government Accountability Office (GAO), or other agencies of the Government with respect to appropriation requests and related budget matters; and

.03 Reports, data, testimony, technical assistance or information requested by the Congress, OMB, GAO, or other agencies of the Government on Commerce appropriations and related budget matters.

SECTION 3. RESPONSIBILITIES.

.01 The CFO/ASA and the Departmental Budget Officer are assigned responsibilities for maintaining a relationship with the Congress, OMB, and other agencies of the Government with respect to appropriation requests and related budget matters.

.02 Heads of all operating units and Departmental offices are responsible for assuring that the conduct of activities covered by this Order for their respective organizations comply with the terms hereof.

SECTION 4. RELATIONS WITH THE CONGRESS.

.01 Contacts with Congressional committees, individual members of Congress, or Congressional staffs on matters falling within the scope of this order may be initiated only with the prior approval of the CFO/ASA or the Departmental Budget Officer.

.02 The CFO/ASA shall be advised promptly concerning any investigation or study by the Congress in respect to the utilization of public funds, or any study or investigation initiated by the Appropriations Committee of either House relating to any organization, unit, or program of the Department. Activity within the Department relating to such investigations or studies shall be conducted and coordinated as directed by the CFO/ASA acting under advice of the General Counsel.

.03 Requests for information on appropriation requests, estimates of future financial requirements, and related budget matters received from members of Congress, Congressional committees or staff members, must be reported immediately to the Departmental Budget Officer so that the response may be properly coordinated and promptly dispatched.

.04 The Act of June 25, 1948, Chapter 645, as amended, (62 Stat. 792; 18 U.S.C. 1913) provides that: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of Title 31." For the purposes of that Act as it relates to appropriations and related public funds activities, the CFO/ASA and the Departmental Budget Officer shall be considered as within "the proper official channels."

.05 All appropriation requests and estimates of future financial requirements transmitted to the Congress represent and must be consistent with the President's budget determination. All officers and employees of the Department testifying before appropriate Congressional committees shall support and defend such estimates, in accordance with specific guidelines stated in OMB Circular A-11 and Department of Commerce Budget and Program Analysis Handbook, Chapter 4.

SECTION 5. RELATIONS WITH OMB, GAO, AND OTHER AGENCIES OF THE GOVERNMENT.

.01 The provisions of paragraph .01, .02, and .03 of Section 4. of this Order shall also apply to contacts with, requests for information from, or investigations by OMB, GAO, or other agencies of the Government on appropriation requests, financial requirements of proposed legislation, and related budget matters.

.02 All estimates transmitted to OMB represent the Secretary's budget determinations and officers and employees testifying before OMB shall support and defend such estimates.

SECTION 6. RESTRICTIONS ON RELEASE OF INFORMATION.

.01 OMB Circular A-11 places restrictions on the release of information in the following specific situations:

a. Budget estimates and supporting materials submitted to OMB are privileged communications and their confidential nature must be maintained. Information contained in such estimates and materials may be released only in response to requests by a Member of Congress in formal appropriation hearings, in connection with Congressional consideration of the budget after its

transmittal, or when exceptions are made by OMB in specific instances.

b. Decisions of the President as to his budget recommendations must be held in confidence until made public by the President, except for data made available to Appropriations Committee pursuant to arrangements made by OMB.

c. If a supplemental budget request is being considered but has not yet been recommended by the President, a witness may appropriately mention the fact, but should not state the amount which he thinks is needed, unless this information is explicitly requested. Witnesses may refer to amounts which are disclosed in the budget document, are laid before Congress by OMB in connection with reports on deficiency apportionments, or are submitted with proposed legislation in accordance with the Legislative Reorganization Act of 1970.

d. Personal opinions which are inconsistent with the program and budget request transmitted by the President may not be volunteered, although frank and complete answers should be given to all questions of fact. If personal opinions are expressed in response to a specific request therefore, witnesses must make clear that the expression of opinion is not a request for additional funds.

e. Circumstances calling for any change in appropriation language, limitations, budget amounts, or program conditions on which the budget requests are based must be cleared through OMB before being communicated to the Appropriations Committees.

.02 Program memoranda, special studies related to budget estimates, and program and financial plans which contain multi-year summaries of agency programs on outputs, costs, and financing over a period of years extending beyond the fiscal years covered by the budget are considered as part of the budget estimates and are to be treated in the manner described by subparagraph .01a. of this section. All requests for copies of such material shall be forwarded to the Departmental Budget Officer for disposition.

.03 File copies of materials prepared for Congressional Committees and supporting worksheets shall be considered as under administrative control of the Committee for whom the materials were prepared, and may not be released without permission of the Committee.

.04 Testimony given before Congressional Committee in executive session is privileged and shall not be disclosed or discussed with any person (other than within the Department as may be required in the conduct of official business) prior to the official release of such testimony by the appropriate Committee. Testimony before OMB and investigations or studies initiated by the Congress, OMB or other agencies concerning appropriations and related budget matters are also privileged and information concerning these matters may not be disclosed without the prior approval of the CFO/ASA or the Departmental Budget Officer, except to Departmental officials for the conduct of official business.

.05 Information relating to special investigations and studies carried out by GAO at the specific request of Congressional Appropriations Committees shall be held in confidence and may not be disclosed without the prior approval of the CFO/ASA.

SECTION 7. EFFECT ON OTHER ORDERS.

This order supersedes Department Administrative Order 203-1 of August 20, 1973.

(signed) Director, Office of Budget

Approved:
(signed) Chief Financial Officer and Assistant Secretary for Administration

Office of Primary Interest
Office of Budget

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NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Number: DOO 30-2B **Effective Date:** 2004-09-15

SECTION 1. PURPOSE.

.01 This Order prescribes the organization and assignment of functions within the National Institute of Standards and Technology (NIST). The scope of authority and functions are in Department Organization Order 30-2A.

.02 This revision establishes the position and functions of the Chief of Staff as a new organizational entity reporting to the NIST Director; abolishes the Director of Administration and Chief Financial Officer and transfers the functions, staff, and resources to the newly established positions of Chief Financial Officer, Chief Human Capital Officer and Chief Facilities Management Officer. In addition the reporting relationship of the Chief Information Officer (CIO) is changed from the NIST Director to the Deputy Director, the Deputy Director is designated as the Chief Operating Officer, and the functional descriptions of the Baldrige National Quality Program and the Director, Boulder Laboratories, are updated.

SECTION 2. ORGANIZATION.

The organization structure and line of authority of NIST, which is part of the Technology Administration, shall be as depicted in the attached organization chart (Exhibit 1).

SECTION 3. OFFICE OF THE DIRECTOR.

The Director shall determine the policies and priorities of NIST and direct the development and execution of its programs within the guidelines set by the Secretary of Commerce (Secretary).

The Deputy Director shall assist the Director in the direction of NIST and perform the functions of the Director in the latter's absence. The Deputy Director also oversees the vast international and academic affairs programs of NIST and serves as the principal representative with international treaty organizations and foreign governments and assists the Director in developing initiatives that will enhance NIST's effectiveness on a global basis in harmonizing standards, measurements, and databases, and implementing mutual recognition arrangements. The Deputy Director shall also serve as the Chief Operating Officer in managing and carrying out the administrative and technical infrastructure and support programs essential for daily operations throughout NIST, and shall establish and implement policies and plans, ensuring maximum responsiveness to the needs of the NIST technical programs. The Deputy Director shall oversee the development and delivery of cost effective and efficient administrative services andbe supported by the Chief Financial Officer (CFO), the Chief Human Capital Officer (CHCO), the Chief Information Officer (CIO), and the Chief Facilities Management Officer (CFMO) and their subordinate units.

SECTION 4. FUNCTIONS REPORTING TO THE DIRECTOR.

.01 The Baldrige National Quality Program shall provide assistance to industry, education, and healthcare, and other public benefit organizations in the development of technology and procedures needed to improve U.S. quality and competitiveness and is responsible for managing the assigned responsibility in the Technology Competitiveness Act section of the Omnibus Trade and Competitiveness Act of 1988 (Public Law (P.L.) 100-418) and its amendments; manage the Malcolm Baldrige National Quality Award Program as stated in P.L. 100-107, in cooperation with senior U.S. business, education, healthcare, and quality leaders; perform research and outreach activities to assist private sector quality efforts, and serve as a mechanism by which U.S. companies, universities, and other organizations can work together to share and develop performance excellence best practices; coordinate quality-related developments and requirements with the NIST laboratories; serve as the NIST representative to national and international quality organizations; and serve as the NIST quality liaison to business, education, healthcare, overnment entities at the federal, state, and local level, other public benefit organizations, and to other

targeted groups as identified and/or required by Congress or the Administration.

.02 The Chief of Staff shall support the Director in administering the policies, programs, and operations of NIST through assistance in increasing external awareness, appreciation of, support for, and use of NIST's research and services. The Chief of Staff will facilitate top-level decision-making and improved internal communication and provide coordination of action required of NIST as a result of executive policy decisions and actions and will serve as the Director's representative with the Technology Administration, Department, and other Federal agencies with broad authority to commit NIST to specific courses of action. The Chief of Staff shall have managerial responsibility for the congressional and legislative affairs program, strategic planning, program and policy analysis, strategic partnering, evaluation services, and the public and business affairs programs and will have oversight responsibility for legal services and staff assigned to NIST through agreement with the Department's Office of General Counsel.

.03 The Director, Boulder Laboratories, shall act as the delegate and representative of the NIST Director in providing leadership, policy guidance, technical and managerial oversight, and coordination of NIST-wide technical and administrative operations in support of the scientific goals and research objectives of the Boulder Laboratories. The Boulder Laboratories Director shall be responsible for centralized support, coordination, and representation at NIST for site-specific Boulder activities, special functions, and events; and will serve as the overall site manager for the Boulder campus and be responsible for maintaining liaison with other federal agencies in Boulder and its vicinity and for ensuring productive and cooperative relationships with the Boulder community.

SECTION 5. FUNCTIONS REPORTING TO THE DEPUTY DIRECTOR.

.01 The Chief Financial Officer (CFO) shall direct and manage the overall budget, financial, acquisition and grants management activities relating to the programs and operations of NIST as well as client bureaus serviced by NIST. This includes the development of financial management policies and procedures; and development and maintenance of an integrated accounting and financial management system including financial reporting and financial internal controls which comply with all applicable Department of Commerce (DOC), Office of Management and Budget (OMB), Department of Treasury, and Federal Accounting Standards Advisory Board regulations, policies, and requirements. The CFO will ensure that financial information is reported timely, accurately, thoroughly and consistent with established requirements and formats; oversee budget formation, presentation, justification and execution; direct the preparation of annual financial plans; serve as the action official responsible on all internal and external audits investigations, reviews, and examinations related to financial management; coordinate financial report requirements as mandated in the CFO Act of 1990 (P.L. 101-576); promote programs to deter fraud, waste, and abuse of government resources; oversee implementation of Section IV of the Federal Managers Financial Integrity Act; and serve as liaison to the Technology Administration, DOC, and OMB on all financial matters and the development and deployment of an integrated financial management system. The CFO oversees the full range of acquisition and financial assistance programs, including contracts, grants, cooperative agreements, and other fellowship programs or activities in accordance with DOC policies and Federal procurement regulations.

.02 The Chief Human Capital Officer (CHCO) shall be responsible for planning, directing, and implementing people-related programs at NIST. The CHCO shall establish policies and procedures to govern the development, management, administration, and coordination of programs involving human resources including personnel management, leadership and employee development, management analysis, organizational design and development, civil rights and diversity, occupational health, and safety in support of the NIST mission.

.03 The Chief Information Officer (CIO) shall be responsible for planning, directing, and implementing the utilization of information technology (IT) resources, including capital planning and investment analyses, the IT operating plan and budget, as well as IT acquisition strategy and performance measures. The CIO will also be responsible for ensuring and providing appropriate supporting infrastructure, IT security, applied research, and assistance to NIST staff, collaborators, and clients in the conduct of NIST's scientific, engineering and administrative programs and in the dissemination of information. The CIO will have line authority and responsibility for centralized IT functions including telecommunications, networking, Web services, integrated information systems,

knowledge systems, and other IT infrastructure support services. The CIO advises the NIST Director and Deputy Director on all aspects of IT management to ensure state-of-the-art computing and networking facilities that integrate and support an enterprise-wide heterogeneous information technology environment for NIST.

.04 The Chief Facilities Management Officer (CFMO) shall be responsible for managing and operating facilities and providing cost-effective and efficient administrative services and infrastructure programs essential for NIST's operations at all sites, ensuring maximum responsiveness to the needs of the NIST technical programs. Facility and administrative activities and services include space management, real property management, facilities planning, engineering design, building construction and renovation, building systems operation and maintenance, mail distribution, reproduction services, environmental services, transportation, conference services, visual communications, fire protection, security services, and personal property management.

SECTION 6. TECHNOLOGY SERVICES.

The Director of Technology Services shall provide U.S. industry and trade, government and the public, with measurements, standards, and information services which increase competitiveness and facilitate trade by promoting innovation, improving quality, reducing cost, promoting the use and adoption of U.S. standards, measurement practices and technology by important trading partners, and overcoming barriers to trade, which include: cooperating with other departments and agencies of the Federal Government and state and local governments in establishing uniform legal metrology practices, standards, codes, and specifications; developing, producing, and distributing Standard Reference Materials; providing Standard Reference Data; providing calibration and laboratory accreditation services; coordinating metric usage to the extent practical in Federal Government procurement, grants, and business-related activities; managing the Small Business Innovation Research Program (SBIR); providing information services in support of NIST; and collaborating with NIST's Laboratories in carrying out technology services responsibilities.

SECTION 7. ADVANCED TECHNOLOGY PROGRAM.

The Advanced Technology Program shall stimulate U.S. economic growth by developing high-risk and enabling technologies through programs proposed and cost-shared by industry; plan focused programs in economically important technology application areas; fund projects selected through focused program and general competitions; promote the formation of and aid United States joint research and development ventures through provisions of organizational and technical advice and through direct participation in joint ventures; administer an outreach program that cooperates with state and local government economic development authorities to evaluate the technology requirements of businesses and make businesses aware of Program opportunities; and carry out cooperative research activities with the private sector, federal agencies, and state agencies as may be permitted by law or as assigned to the Program by the Secretary.

SECTION 8. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.

The Manufacturing Extension Partnership Program shall develop and maintain, as a joint venture with state and local governments, a national system which provides technical assistance to manufacturers in adopting appropriate advanced technology and best manufacturing practices to strengthen the global competitiveness of smaller U.S. manufacturers; assist state governments in planning for the development of state-wide industrial extension services which deliver technical and business assistance to smaller manufacturers in coordination with other existing services available in public, private, and academic sectors; provide joint funding with state and local governments for the creation and maintenance of extension services which focus on and respond to the specific needs of smaller firms; develop and manage programs which respond to the specific needs of state- and local-based extension services and supports their integration as a national delivery system; create and maintain partnership across the Federal Government and within industry to develop and integrate new and existing resources which are complementary to the national delivery system and which allow these entities to utilize the national delivery system as a means of access to smaller manufacturing firms in support of their mission objectives; and develop

strategies and execute programs which explore innovative, alternative approaches for improving small manufacturers' competitiveness and which capitalize on opportunities for the national system and its component service entities to realize greater revenues from private-sector investment in its services.

SECTION 9. ELECTRONICS AND ELECTRICAL ENGINEERING LABORATORY.

The Electronics and Electrical Engineering Laboratory shall maintain, develop, and disseminate the national physical standards for electricity; provide a focus for research, development, and applications in the field of electrical, electronic, quantum electronic, and electromagnetic materials and engineering; maintain and develop competence in measurements and analytic methods, in fabrication processes, in performance evaluation, and in practical applications appropriate to a wide range of materials, devices, instruments, and systems; identify market and technological barriers to the effective application of electrical, electronic, quantum electronic, and electromagnetic technologies for the achievement of national goals; conduct responsive basic research to yield the requisite fundamental physical constants, practical data, measurement methods, theory, standards, technology, and technical services; and provide national reference standards and engineering measurement traceability and deliver the results for the benefit of the government, industry, the scientific community, and the consumer, either directly or through effective intermediaries.

SECTION 10. MANUFACTURING ENGINEERING LABORATORY.

The Manufacturing Engineering Laboratory shall provide competence and develop technical data, findings, and standards in production engineering, mechanical metrology, and automation and control technology; provide instrument design, fabrication, modification, and repair; and provide industrial and mechanical engineering in support of a program to develop standards, interfaces, recommended practices, and associated technology to be made available to the manufacturing industries.

SECTION 11. CHEMICAL SCIENCE AND TECHNOLOGY LABORATORY.

The Chemical Science and Technology Laboratory shall provide the national system of chemical measurement; coordinate the system with measurement systems of other nations and furnish essential services leading to accurate and uniform chemical measurement throughout the Nation's scientific community, industry, and commerce; provide advisory and research services to other government agencies; conduct basic and applied research in analytical chemistry, biotechnology, chemical engineering, and physical chemistry; develop and certify Standard Reference Materials; produce and evaluate Standard Reference Data; provide calibration services; and conduct interdisciplinary research efforts with other NIST laboratories in the areas of analytical chemistry, biotechnology, chemical engineering, and physical chemistry; conduct fundamental investigation of the phenomena on which measurement of the composition and behavior of chemical and biochemical systems is based; provide benchmark experimental data, new theory and models to explain the behavior and predict the properties of chemicals in chemical and biochemical processes and systems; acquire and disseminate thermophysical, thermodynamic, kinetic, and thermal data; provide calibration services for temperature, pressure and vacuum, flow, volume, liquid density, and humidity; develop new laboratory and process measurement techniques, including in situ real-time process measurement methods; develop and improve measurement capability and quantitative understanding of basic physical processes that underlie measurement science, including methods for analytical chemistry, biological chemistry, chemical kinetics, thermodynamics, and surface science, and thereby improve the comparability among laboratories throughout the United States, measurement compatibility with other nations, and measurement reliability in U.S. industry and commerce; and use the techniques to assist in the solution of problems of national impact, e.g., in improving the accuracy of clinical analytical chemistry, air and water pollution analysis, and chemical engineering metrology, and in providing advisory services to government agencies, scientific organizations, and industry.

SECTION 12. PHYSICS LABORATORY.

The Physics Laboratory shall conduct long-term research in measurement science, develop new physical standards, measurement methods and reference data, and promulgate these standards, methods and data by providing measurement services, conducting workshops, publishing research results and collaborating with industry, universities, and other government agencies; establish spectroscopic methods and standards for infra-red, visible, ultra-violet, x-ray and gamma-ray radiation; investigate the structure and dynamics of atoms and molecules, singly and in aggregate; develop and disseminate national standards for time and frequency and for the measurement of optical and ionizing radiation by means of calibrations, measurement quality assurance, and standard reference materials; generate, evaluate, and compile atomic, molecular, optical, and ionizing radiation data in response to national needs; develop and operate major radiation sources as user facilities and maintain appropriate collaborations with other laboratories in NIST, the Nation, and throughout the world; and support the research community and industry in such areas as communication, defense, energy, environment, space, health, lighting, microelectronics, radiation, and transportation.

SECTION 13. MATERIALS SCIENCE AND ENGINEERING LABORATORY.

The Materials Science and Engineering Laboratory shall develop and maintain the scientific competences and experimental facilities necessary to provide the Nation with a central basis for uniform physical measurements, measurement methodology, and measurement services fundamental to the processing, characterization, properties and performance of materials, and to other essential areas in materials science; provide government, industry, universities, and consumers with standards, measurement methods, data, and quantitative understanding concerning metals, polymers, ceramics, composites, optical materials, and nonequilibrium materials; characterize the structure of materials, chemical reactions, and physical properties which lead to the safest, most efficient uses of materials, improve materials technologies, provide the bases for advanced material technologies in basic and high-technology industries; obtain accurate experimental data on behavior and properties of materials under service conditions to assure effective use of raw and manufactured materials, provide technical information such as reference data, materials measurement methods, and standards to processors, designers, and users for selection of cost-effective combinations of materials, processes, designs, and service conditions; use the unique NIST reactor and cold neutron research facilities to develop neutron measurement methodology, develop sophisticated structure characterization techniques, reference data, and standards; participate in collaborative efforts with other NIST organizational units in the dissemination of generic technical information from the divisions to private and public sector scientific organizations through special cooperative institutional arrangements and through conventional distribution mechanisms.

SECTION 14. BUILDING AND FIRE RESEARCH LABORATORY.

The Building and Fire Research Laboratory shall provide the national laboratory concerned with increasing the usefulness, safety and economy of buildings, improving the productivity and international competitiveness of the construction industry, and reducing the human and economic costs of unwanted fires; perform and support laboratory, field, and analytical research on the performance of construction materials, components, systems and practices, and the fundamental processes underlying initiation, propagation, and suppression of files; produce technologies to predict, measure, and test the performance of construction and fire prevention and control materials, components, systems, and practices, and to assist the construction and fire safety communities in achieving the benefits of advanced computation and automation; provide research results which are widely used and adopted by governmental and private sector organizations with standards and codes responsibilities, but does not promulgate building or fire safety standards or regulations; and conduct fire research mandated by the Federal Fire Prevention and Control Act of 1974, research for the improvement of seismic design and construction practices as assigned by the Earthquake Hazards Reduction Act of 1977, as amended, and structural failure investigations mandated by the NIST Authorizing Act for FY 1986.

SECTION 15. INFORMATION TECHNOLOGY LABORATORY.

The Information Technology Laboratory shall develop and demonstrate evaluation techniques,

testing methods, and standards to enable U.S. industry to develop usable, reliable, interoperable products for information technology; and provide leadership and collaborative research to NIST programs in the areas of mathematics, statistics, and information technology use and services to enable NIST to maintain its status as a world-class institution.

SECTION 16. EFFECT ON OTHER ORDERS.

This Order supersedes Department Organization Order 30-2B, dated March 12, 2003.

Director, National Institute of Standards and Technology

Under Secretary for Technology

Approved:

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Chief Financial Officer and Assistant
Secretary for Administration

NIST Administrative Manual, Subchapter 8.03
Transmittal Date -07/29/05

BUDGET FORMULATION

Sections

8.03.01 Purpose

8.03.02 Scope

8.03.03 Policy

8.03.04 Definitions

8.03.05 Budget Formulation Cycle

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8.03.01
PURPOSE
This subchapter provides information on the formulation aspects of the appropriation process and describes the responsibilities for preparation and justification of NIST budget requests.

8.03.02
SCOPE
This subchapter applies to NIST-Gaithersburg and NIST-Boulder.

8.03.03
POLICY
It is NIST policy to prepare and justify its budget submissions for appropriated funds in accordance with guidelines provided by the Congress, the Office of Management and Budget (OMB), and the Department of Commerce.

8.03.04
DEFINITIONS
a. Appropriation - Enacted legislation providing authority to incur obligations and to make payments out of the Treasury for specified purposes during a specified period of time. An appropriation for a particular purpose confers authority to incur obligations for expenses which are necessary for or incident to the proper execution of the purpose, unless the expenses are otherwise prohibited.

b. Authorizing Legislation - An act of Congress that establishes or continues a federal program or agency either for a specified period of time or indefinitely; specifies its general goals and conduct; and usually sets a ceiling on the amount of budget authority that can be provided in an annual appropriation. An authorization for an agency or program usually is required before an appropriation for that same agency or program can be passed.

c. Budget - A plan for the use of resources to accomplish goals and objectives.

d. Budget Amendment - A revision to a pending budget request, submitted to Congress by the President before Congress completes appropriations action.

e. Budget Formulation - All steps, actions, and informational output of the budget process which are required in advance of the enactment of an appropriation bill by the Congress. It is the process by which the resources necessary to accomplish goals and objectives are determined and justified to decision-makers (the Secretary, the President, and the Congress).

f. Budget Justification - A narrative and tabular description of goals, objectives, performance measures and representative accomplishments and the costs of achieving them.

g. Budget Supplemental - An additional amount requested for appropriation for the current year after enactment of the regular appropriation. The request should be for needs deemed too urgent to be postponed until enactment of the next regular appropriation.

h. Continuing Resolution - A joint resolution enacted by Congress usually at the beginning of the fiscal year to provide authority and necessary funding for federal agencies and programs to continue in operation until the regular appropriations acts are enacted.

8.03.05
BUDGET FORMULATION CYCLE
a. The objective of the formulation process is to provide a satisfactory information basis upon which Bureau directors, Agency heads, the President, and the Congress can make knowledgeable decisions in the allocation of the resources toward fulfillment of the Nation's goals and needs.

b. The basic framework of budget formulation in the federal government is established by law. OMB and departmental guidance provide specific details. The primary elements in this framework are:

-- Authorization - The Congress must authorize the obligation of funds for specific programs as a prerequisite for subsequent appropriation. Authorization bills may be submitted by Department heads with the approval of OMB, submitted by the President, or initiated by the Congress. Congressional review of programs for the authorization of appropriations occurs at hearings held by the standing legislative committees of the House and Senate.

-- Budget Requests - Commerce bureaus submit detailed budget request documents to the Secretary. After review by the Department and based on the decisions of the Secretary, bureaus prepare revised budget requests for submission to OMB. Decisions at this level form the basis for the annual budget, which is submitted by the President to the Congress by the first Monday in February. Agencies prepare and submit justifications providing additional detailed information. Budget amendments or supplemental requests may be submitted to the Congress by the President under certain conditions.

-- Appropriation - Appropriations subcommittees in both the House and Senate hold hearings to consider the President's budget. Recommendations are presented to the full committees and to the full House and Senate. A conference committee resolves differences in the House and Senate versions of the appropriations bill. Upon acceptance of conference action by both theHouse and the Senate, the appropriations bill is sent to the President for signature. The President can approve or veto the bill. When an appropriations bill has not been enacted by the beginning of the fiscal year for which the funds are requested, Congress enacts a temporary appropriation act or "continuing resolution," which authorizes the agency to continue its operations until the bill is enacted.

c. Also included in budget formulation are the planning, study, evaluation, review, and decision-making actions which must be taken at the bureau and the departmental levels which are necessarily precedent to and supportive of the elements described above.

d. The nature and amounts under consideration in the budget are confidential and will not be released outside of the Administration until the budget is transmitted formally to Congress by the President.

8.03.06
RESPONSIBILITIES
a. Planning and Program Review - The Program Office and the Budget Division are responsible for establishing procedures, guidelines, and schedules for the planning and program review process. The Program Office and the Budget Division provide advice to NIST management on funding levels and program content.

As part of ongoing, internal planning and program review, organizational units are responsible for presenting programs and proposed budget initiatives for review by NIST management officials.

The Director determines the content of the proposed NIST budget.

b. Budget Authorization - The Program Office and the Budget Division cooperate with Congressional and Legislative Affairs staff in the preparation of material for the Congressional authorization process.

c. Budget Justification - The Budget Division is responsible for coordinating the preparation of the required budget justifications to DoC, OMB, and the Congress. The Public and Business Affairs Office coordinates with the Budget Division in preparing information for release to the public.

d. Legislative Proposals - Congressional and Legislative Affairs is responsible for the submission to OMB of NIST legislative proposals for the next session of Congress.

8.03.07
REFERENCES
The following provisions of pertinent statues and OMB and DoC guidance relating to budget formulation are available for review in the Budget Division and the Finance Division.

-- United States Code Title 31, Subtitle II, Chapter 11, -- "The Budget and Fiscal, Budget, and Program Information" - accessible at: http://www.access.gpo.gov/uscode/title31/subtitleii_chapter11_.html

-- United States Code Title 31, Subtitle II, Chapter 13 -- "Appropriations" - accessible at: http://www.access.gpo.gov/uscode/title31/subtitleii_chapter13_.html

-- Office of Management and Budget Circular No. A-11 -- "Preparation and Submission of Budget Estimates" - accessible at: http://www.whitehouse.gov/omb/circulars/index.html

-- Department Administrative Order 203-1 -- "Appropriation Requests and Related Budget Matters" - accessible at: http://dms.osec.doc.gov/cgi-bin/doit.cgi?218:112:1:2

-- Department Administrative Order 203-8 -- "Budget and Program Analysis" and the "Budget and Program Analysis Handbook" - accessible at: http://www.osec.doc.gov/bmi/budget/Budget%20Handbook.htm

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