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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 20, 2010

Docket No. 07000398

License No. SNM-362

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

SUBJECT: NRC INSPECTION REPORT NO. 07000398/2010002, U.S. DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, GAITHERSBURG, MARYLAND AND NOTICE OF VIOLATION

Dear Dr. Kayser:

On July 19 - 21, 2010, Todd Jackson of this office conducted an inspection at the National Institute of Standards and Technology campus, located in Gaithersburg, Maryland, of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the commission's regulations and the license conditions. The findings of the inspection were discussed with you and Tom O'Brien of your organization at the conclusion of the inspection.

Based on the results of this inspection, the NRC has determined that your activities were not conducted in full compliance with NRC requirements. The violation is categorized in accordance with the current NRC Enforcement Policy at Severity Level (SL) IV. The Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement**; then **Enforcement Policy**. The violation is cited in the enclosed Notice of Violation (NOV) because the violation was identified by the NRC.

The enclosure to this letter contains security-related information and is accordingly withheld from public disclosure. Security-related information is discussed in Regulatory Issue Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information," which is available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005>.

Because this issue involves security-related information, your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC

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The Enclosures contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is decontrolled.

R. Kayser

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document system (ADAMS), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. Mark your entire response, "Security Related Information- Withhold Under 10 CFR 2.390." In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for any response that you provide to this Notice and the accompanying letter. However, to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information.

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 Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the Security-Related information contained in the enclosure, and in accordance with 10 CFR 2.390, copies of this letter's enclosure will not be available for public inspection.

Please contact Todd Jackson at 610-337-5308 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation (Non-Public)

cc:
Tom O'Brien, C.H.P., Radiation Safety Officer
State of Maryland

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Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation (Non-Public)

cc:
Tom O'Brien, C.H.P., Radiation Safety Officer
State of Maryland

Distribution:
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Non-Public Designation Category: MD 3.4 Non-Public, Sensitive, Security Related A.3 (NOV Only)

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