



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

May 21, 2015

Docket No. 07000398

License No. SNM-362

Richard F. Kayser, Ph.D.
Chief Safety Officer
United States Department of Commerce
National Institute of Standards and Technology (NIST)
100 Bureau Drive
Gaithersburg, Maryland 20899-1730

**SUBJECT: NRC INSPECTION REPORT NO. 07000398/2014002, UNITED STATES
DEPARTMENT OF COMMERCE, GAITHERSBURG, MARYLAND SITE**

Dear Dr. Kayser:

On August 26-28, 2014, January 12, 2015 & May 18, 2015, John Miller of this office conducted an inspection at the above address of activities authorized by your NRC license. The inspection was an examination of your licensed activities as they relate to the security and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed by telephone with you and members of your staff, at the conclusion of the inspection on May 18, 2015.

Based on the results of this inspection, the NRC determined that one Severity Level IV violation of NRC requirements occurred. Because of the security-related nature of the violation, the characterization will not be provided in this letter, but instead is provided in a non-public enclosure. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The violation is being treated as a non-cited violation, consistent with Section 2.3.2 of the Enforcement Policy, because: 1) NIST identified the violation and corrected the violation within a reasonable period of time; and 2) the violation was neither willful nor repetitive as a result of inadequate corrective action; and 3) the violation has been categorized as a Severity Level IV violation.

Enclosure contains Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is decontrolled.

R. Kayser

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The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in the enclosure does not accurately reflect your corrective actions or your position.

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 located at NRC Headquarters in Rockville, MD, and from the NRC's document system, the Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, the material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosures will not 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>. If Security-Related Information is necessary to provide an acceptable response, if you choose to submit one, please mark the top of each page of your response, "Security-Related Information – Withhold Under 10 CFR 2.390." To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information. In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's expectations for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

R. Kayser

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Please contact John Miller at 610-337-5089 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake D. Welling, Chief
Commercial, Industrial, R&D, and
Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Determination of Severity Level and
Description of Corrective Actions (Non-Public)

~~Official Use Only – Security-Related Information~~

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