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

January 17, 2017

Docket No. 070-00398  
EA-16-256

License No. SNM-362

Richard F. Kayser, Ph.D.  
Chief Safety Officer  
U.S. Department of Commerce  
National Institute of Standards and Technology  
100 Bureau Drive  
Gaithersburg, MD 20899-1730

**SUBJECT:** NRC INSPECTION REPORT NO. 07000398/2016002, U. S. DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, GAITHERSBURG, MARYLAND

Dear Dr. Kayser:

On September 12-16, 2016, Betsy Ullrich, James Cassata and Leo Wardrobe of this office conducted a security inspection at your facility, with continued in-office review through December 20, 2016. The inspection was an examination of your licensed activities as they relate to security of radioactive materials and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspectors, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with you and others of your organization at the conclusion of the inspection.

Two licensee-identified violations were reported to the inspectors during the inspection. The NRC determined that they were Severity Level IV violations. Because of the security-related nature of the violations, the characterization will not be provided in this letter, but instead is provided in a non-public enclosure. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The violations are being treated as Non-Cited Violations, consistent with Section 2.3.2 of the Enforcement Policy, because: 1) NIST identified the violations and corrected them within a reasonable period of time; 2) the violations were not repetitive as a result of inadequate corrective action; and 3) they were not willful.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, are 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 actions or your position.

Enclosure contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is  
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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 enclosure 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.

In accordance with 10 CFR Part 19.11, you may be required to post this Notice within two working days. However, you are reminded to review your NRC security requirements that limit the release of information.

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/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](http://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](http://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).

Please contact James Cassata at (610) 337-5303 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)

cc with Enclosure: Janna Shupe, C.H.P.,  
Radiation Safety Officer

cc w/o Enclosure: State of Maryland

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U.S. Department of Commerce

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Radiation Safety Officer

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**SUNSI Review Complete: JCassata**

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