



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

October 13, 2016

Docket No. 070-00398

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. 070-00398/2016-001, 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 safety inspection at your facility. 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 inspection consisted of observations by the inspector, 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.

Within the scope of this inspection, one Non-Cited Violation was identified for the failure to provide required instruction in radiation safety precautions to be taken by unescorted persons entering a radiation room, as required by 10 CFR 36.51(f). This is being treated as a Non-Cited Violation, consistent with Section 2.3.2 of the NRC Enforcement Policy because: (1) NIST identified the violation and corrected the violation within a reasonable period of time; (2) the violation was neither willful nor repetitive as a result of inadequate corrective action; and (3) the violation was assessed as Severity Level IV. The inspectors verified that the licensee took the following corrective actions: (1) re-trained persons on entry requirements for the radiation room; and (2) revised policies and procedures so that access is not granted until all required safety training and instruction is provided.

The inspection included review of the Annual Audit Results for calendar year 2014, submitted with your letter dated January 23, 2015, to the NRC Region IV office in compliance with the Confirmatory Order issued to you on March 1, 2010 (EA-09-142). This is the last annual audit for which results were required to be submitted under the Confirmatory Order. Previous audits submitted were reviewed during NRC Region I Inspection Nos. 2012-001, 2013-001 and 2014-001. The Region I inspectors determined that the audits were performed and the results were documented and submitted as required by the Confirmatory Order. Region I inspectors observed that findings from the audits were addressed appropriately by the licensee. Region I will provide the inspection results to the Region IV staff who have oversight of the Confirmatory Order.

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).

No reply to this letter is required. Please contact Betsy Ullrich at (610) 337-5040 or elizabeth.ullrich@nrc.gov if you have any questions regarding this matter.

Sincerely,

/RA/

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

cc: Janna Shupe, C.H.P., Radiation Safety Officer
State of Maryland
T. Naquin, NMSS/FCSE/FMP
M. Shaffer, RIV DNMS
J. Thompson, RIV DNMS

R. Kayser

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Blake Welling, Chief
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cc: Janna Shupe, C.H.P., Radiation Safety Officer
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