



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 27, 2022

Thomas H. Newton, Jr., Ph.D., Deputy Director
Chief of Reactor Operations and Engineering
NIST Center for Neutron Research, Building 235, Room K105
100 Bureau Drive, Stop 6100, Gaithersburg, MD 20899
thomas.newton@nist.gov

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-2022-005

Dear Mr. Newton:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine whether licensed Senior Reactor Operators (SROs) employed by the National Institute of Standards and Technology (NIST) deliberately failed to use an operating procedure while performing latch verifications on January 4, 2021. This investigation was also initiated to determine whether NIST management deliberately instructed the SROs to not use an operating procedure while performing latch verifications on January 4, 2021. Based on the evidence developed during the OI investigation, the NRC could not substantiate that wrongdoing occurred.

Please note that the complete OI investigation report, including supporting documentation, may be obtained by you and the public under the Freedom of Information Act (FOIA), subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 9.23, "Requests for Records." The instructions for making a request of information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions or comments regarding this matter, please contact Ms. Dori Willis, Senior Allegation Coordinator of NRC's Headquarters Allegation Team in the Office of Enforcement, at (301) 287-9423.

Sincerely,

(/RA by Jeremy S. Bowen)

Jeremy S. Bowen, Deputy Director
Division of Advanced Reactors
and Non-Power Production and Utilization
Office of Nuclear Reactor Regulation

Thomas H. Newton, Jr

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