



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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March 2, 2010
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**NRC ISSUES CONFIRMATORY ORDER TO NATIONAL INSTITUTE OF
STANDARDS AFTER AGREEMENT IS REACHED UNDER THE ALTERNATE
DISPUTE RESOLUTION
*INDIVIDUAL IS BARRED FROM
NRC-LICENSED ACTIVITY FOR ONE YEAR***

The National Institute of Standards and Technology (NIST) has agreed to pay a \$10,000 fine and implement a series of corrective actions related to radiation safety under an agreement reached with the Nuclear Regulatory Commission. In addition, a former radiation safety officer (RSO) at the NIST's facility in Boulder, Colo. will be prohibited from engaging in any NRC-licensed activities for one year for deliberate misconduct involving failure to provide complete and accurate information to the NRC.

The settlement with the NIST was achieved under the NRC's Alternative Dispute Resolution (ADR) process, which was initiated at the request of the NIST. The objective was to reach a preliminary settlement agreement and address ten apparent violations that were identified in an inspection report following a June 9, 2008 plutonium contamination spill. On Nov. 2, 2009, the NRC shared results of its special inspection and investigation with the NIST.

In addition, the NRC found that willfulness may have been involved in that it appeared that a former RSO at the NIST-Boulder facility deliberately failed to provide complete and accurate information to the NRC in a 2007 license amendment application. This misinformation and misconduct led to the plutonium spill that later followed.

In response to the report, the NIST informed the agency on Nov. 4, 2009, that they were interested in the use of the ADR session to resolve the matter. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement or resolving any differences regarding a dispute. An ADR mediation session took place on Jan. 5, 2010, and led to an agreement which is detailed in the Confirmatory Order newly issued by the NRC. Under the agreement, the NIST will comply with the following elements:

- Complete an independent assessment of the radiation safety program at the Boulder facility.
- Submit copies of the required annual radiation safety audit to the NRC.

- Develop and implement a procedure for training new employees on radiation safety policies and procedures.
- Upgrade initial and refresher training for employees who work with radioactive materials, including a review of lessons learned from the plutonium spill and associated apparent violations.
- Submit a license amendment request for deletion of the radionuclides on the NIST-Boulder license that NIST no longer plans to use.
- Develop a formal radiation hazards analysis process.
- Revise the NIST Ionizing Radiation Safety Committee charter to require additional review of NRC submittals.
- Revise the NIST radiation safety program policy to indicate that all individuals are required to provide complete and accurate information to the NRC.
- Develop a clearly defined process for acquiring radioactive materials.

In a separate order and letter to the former RSO at the NIST-Boulder facility, the NRC is prohibiting the individual from all NRC-licensed activity for one year. This is in response to the NRC special inspection and investigation findings that show the former RSO knowingly provided information that was incomplete and inaccurate in a 2007 license amendment application that he prepared and submitted on behalf of NIST. The NRC approved the license amendment which allowed for the NIST to handle nuclear materials such as plutonium.

Copies of the enforcement actions will be posted on the NRC web site at:
<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

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