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#### NRC TURNS DOWN NATIONAL INSTITUTES OF HEALTH'S APPEAL OF FINE

The Nuclear Regulatory Commission has rejected an appeal by the National Institutes of Health (NIH) of a \$2,500 civil penalty proposed last year.

The NRC staff proposed the civil penalty last August. It was based on NIH's failure to secure from unauthorized removal, or limit access to, licensed materials present in unattended areas. The violations occurred at NIH's facilities in Bethesda, Maryland, and were based on findings of inspections performed in 1995 by both an NRC augmented inspection team and a special inspection team.

As Federal law permits, NIH protested the NRC's staff's enforcement action, asking the civil penalty be withdrawn. After analyzing the NIH protest, the Commission has determined that there is not an adequate basis for taking the action NIH requested.

NRC has, therefore, issued an order formally imposing the fine. NIH has 30 days to ask for a hearing.

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