

February 10, 2006
EN-06-008

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

LICENSEE: National Aeronautics and Space Administration (EA 05-125)
Goddard Space Flight Center
Greenbelt, Maryland 20771-0001
Docket Nos. 030-04538; 030-06929

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order confirming commitments reached as part of an alternative dispute resolution (ADR) settlement will be issued today, February 10, 2006, to the National Aeronautics and Space Administration (NASA). At issue was the submission of inaccurate information to the NRC regarding missing licensed material and the failure to report missing licensed material as required by 10 CFR 20.2201. Specifically, during an inspection, the NASA contract RSO provided an NRC inspector a printout of NASA's source inventory which indicated that no sources were missing and, during the same inspection, told the NRC inspector that no radioactive sources were missing. During the inspection, the inspector identified that not all sources were accounted for, and the NASA contract RSO had failed to report missing licensed material, as required. NASA agreed that the contract RSO (EN 06-007, Theodore D. Simmons) caused NASA to violate NRC requirements when he failed to perform a reasonable and necessary evaluation of information provided to him by a NASA health physics technician to determine whether licensed material reported as missing reached the threshold for reportability under 10 CFR 20.2201. NASA also agreed that the contract RSO provided inaccurate information to NRC during the December 18-19, 2002 inspection. While NASA and the NRC agreed to disagree on the willfulness of the contract RSO's actions, NASA and the NRC agreed that the contract RSO's actions caused NASA to be in violation of NRC requirements, which resulted in this enforcement action. As part of the agreement reached, a Notice of Violation at Severity Level III, with no civil penalty will be issued to NASA. Also, NASA has taken or will take various corrective actions agreed to in the ADR session.

The schedule of notification and issuance:

Telephone Notification of Licensee
Mailing of Notice

February 10, 2006
February 10, 2006

The State of Maryland will be notified.

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