

National Aeronautics and
Space Administration
Goddard Space Flight Center
Greenbelt, MD 20771



February 10, 2006


Reply to Attn of: 250

BY FACSIMILE AND CERTIFIED MAIL

U.S. Nuclear Regulatory Commission
Regional Administrator
Region I
475 Allendale Road
King of Prussia, PA 19406

Subject: Response to Notice of Violation, Enforcement Action (EA) 05-125

Please find enclosed NASA's Goddard Space Flight Center's response to the Notice of Violation in the subject enforcement action. In keeping with established Nuclear Regulatory Commission procedure, please post the response on your Web site. We look forward to working with the Nuclear Regulatory Commission to ensure our radiation protection program remains safe and effective.


Diane E. Williams
Director of Management Operations

Enclosure

NASA's GODDARD SPACE FLIGHT CENTER's RESPONSE TO THE
NUCLEAR REGULATORY COMMISSION'S (NRC) NOTICE OF VIOLATION

This responds to the NRC Notice of Violation and Confirmatory Order for Enforcement Action 05-125, dated February 10, 2006.

NASA's Goddard Space Flight Center continues to have a safe and effective radiation protection program. The Center uses radioactive sources to calibrate scientific instruments required to make observations of faint sources in space leading to important scientific discoveries and to test spacecraft hardware to ensure it can survive in the harsh environment in space. The Center has held two licenses from the NRC since as early as 1960. The Center understands and appreciates the NRC's oversight role in ensuring licensees remain in compliance with all applicable regulations.

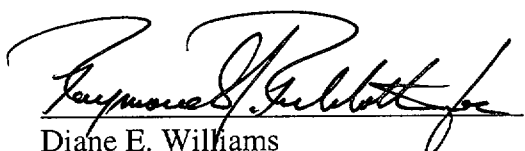
As a result of an unannounced inspection in December 2002, and May 2003 follow-up, the NRC reached certain conclusions concerning the activity of one of our contractor employees and the responsibility of our program as the license holder. The NRC inspection and conclusions followed a period of contract instability during which NASA withheld the contractor's award fee due to poor performance and ultimately replaced the contractor. Following NRC's inspections, NASA evaluated its program and took additional actions to ensure its continued safety and effectiveness. These actions included:

- Selection of a new contractor to provide radiation safety services;
- Changing the contract statement of work to improve the radiation safety officer function;
- Changing the inventory database for better tracking and notification;
- Implementation of quarterly internal audits;
- Evaluation of materials storage and implementation of recommendations to better secure sources; and
- Immediately adopting NRC's recommendations from the December 2002 and May 2003 inspection out-briefings

The NRC provided the results of its inspection to NASA in August 2005, nearly 3 years following the activities in question. NASA disagreed with the allegations and evidence used to support some of the NRC's conclusions. The Confirmatory Order reflects this disagreement.

In order to carry out its mandate of promoting a safety conscious work environment, the NRC recently instituted a pilot program to settle allegations using alternative dispute resolution (ADR) procedures. NASA chose to participate in this program. The process is designed to achieve the aims of the pilot program in reaching an efficient resolution with a minimum expenditure of time and resources by each party. NASA appreciates the opportunity to engage in ADR.

While NASA disagreed with the NRC's position on the level of the violations stated in its letter, NASA agrees that the corrective actions specified in the Confirmatory Order will help both parties ensure that Goddard's radiation protection program remains safe and effective.



Diane E. Williams
Director of Management Operations
NASA's Goddard Space Flight Center

10 Feb 06

Date