



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

March 14, 2014

EA-09-114

Mr. Richard D. Olson, P.E.
Vice President
Earth Exploration, Inc.
7770 West New York Street
Indianapolis, IN 46214-2988

SUBJECT: COMPLETION OF ACTIONS REQUIRED BY NRC CONFIRMATORY ORDER
DATED OCTOBER 1, 2009

Dear Mr. Olson:

The purpose of this letter is to acknowledge that Earth Exploration, Inc., has completed the actions required by the Confirmatory Order (Order) (ADAMS Accession No. ML092730627) issued by the U.S. Nuclear Regulatory Commission (NRC) on October 1, 2009. The Order was issued in response to a settlement agreement reached during an August 25, 2009, Alternative Dispute Resolution (ADR) mediation session between Earth Exploration, Inc., and the NRC.

The Order required Earth Exploration, Inc., to take a number of actions including: (1) retaining the services of a consultant to audit the performance of your radiation safety program on an annual basis for a period of five years; (2) having several individuals take additional training on how to manage a radiation safety program; (3) conducting internal "lessons learned" training; and (4) providing a plan to inform other organizations so that they could avoid similar problems.

In your letter dated October 19, 2011, with a subsequent letter dated January 17, 2012, you requested relaxation of Item No.1 of Section V in the Order which requires Earth Exploration, Inc., to retain a consultant to perform annual independent audits. Following inspections of your offices in Indianapolis, Indiana, and Niles, Michigan, on December 13 and 15, 2011, respectively, the NRC agreed to relax the requirement. In our letter dated February 3, 2012, (ML120370269) the NRC agreed that Earth Exploration, Inc., could alternatively submit to the NRC the results of its internal annual radiation safety program reviews, performed in accordance with Title 10 of the *Code of Federal Regulations* (CFR) Section 20.1101(c), for the third and fourth years of the original five-year period.

This letter also serves to acknowledge our receipt of your e-mail dated January 21, 2014, with attached letter dated January 21, 2014, transmitting the annual internal audits for 2013 and 2014 you performed at your Indiana and Michigan offices. In addition to your internal audits, we also received the independent audit report performed by InstroTek, Inc. on December 20, 2013. We completed our review of your correspondence and have no further questions at this time.

R. Olson

-2 -

The NRC has concluded that Earth Exploration, Inc., has satisfied all of the requirements contained in the Order. You are not required to submit any further correspondence to the NRC on this matter. If you have any questions or comments, please contact Aaron T. McCraw, Chief, Materials Inspection Branch, at 630-829-9650.

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

Sincerely,

/RA by Anne T. Boland Acting for/

Cynthia D. Pederson
Regional Administrator

Docket No. 030-32764
License No. 13-26408-01

cc: Christopher Loyd, Radiation Safety Officer
State of Indiana

R. Olson

- 2 -

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Cynthia D. Pederson
Regional Administrator

Docket No. 030-32764
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cc: Christopher Loyd, Radiation Safety Officer
State of Indiana

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