

## FACTUAL SUMMARY FOR OI REPORT 1-2003-011

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I, on January 16, 2003, to determine if (1) survey instruments (an Eberline BC-4 and an Eberline SAC-4) were used to conduct NRC required surveys between July 25 and December 18, 2002, when not properly calibrated, and (2) whether the RSO deliberately failed to provide true and accurate information to the NRC during an inspection in December 2002 regarding licensed material missing from the facility.

Based on the evidence developed during this investigation, OI did not substantiate that NASA employees used improperly calibrated Eberline instruments while conducting required surveys between July 25 and December 18, 2002, and did not violate NRC requirements or regulations. In addition, OI substantiated that the RSO deliberately failed to report missing licensed material as required, and also provided incomplete and inaccurate information (verbally and in writing) to the NRC regarding the missing material. The OI report was issued on May 25, 2005.

In making the conclusion that the RSO deliberately failed to provide true and accurate information to the NRC regarding missing licensed material, the NRC considered that (1) the RSO received a memo, dated September 10, 2002, from a technician responsible for conducting source inventory reviews indicating that 28 sources were missing at that time (the NRC determined that 25 of these sources contained NRC licensed material), (2) the RSO received a memo, dated October 21, 2002, from the same technician indicating that 19 sources were missing at that time (5 of these sources were not listed as missing in the September memo and the NRC determined that all 5 additional missing sources contained NRC licensed material), (3) during an inspection in December 2002, the RSO provided an NRC inspector a printout of the licensee's inventory which indicated that no sources were missing, and (4) the RSO told the inspector that no radioactive sources were missing when the inspector identified during the December 2002 inspection that two sources were absent. The NRC concluded that the RSO knew that the radioactive sources were missing, yet deliberately failed to provide true and accurate information regarding the violation to the NRC inspector in December 2002.

Regarding the Eberline BC-4 and an Eberline SAC-4 survey instruments, the NRC reviewed calibration records which indicated that the instruments were properly calibrated on the days of use while conducting required surveys between July 25 and December 18, 2002. Based on this conclusion, no violation of NRC requirements existed.

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Licensee: National Aeronautics and Space Administration

SISP Review Completed: JDKinneman