

February 10, 2006
EN-06-007

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Individual: Theodore D. Simmons II (IA-05-041)
Silver spring, MD

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 Theodore D. Simmons II. At issue was the failure by Mr. Simmons, the contract Radiation Safety Officer for the National Aeronautics and Space Administration (NASA - EN 06-008), to report missing licensed material as required, and to provide complete and accurate information, orally and in writing, to the NRC as required by 10 CFR 30.9(a). Mr. Simmons agreed that he caused NASA to violate NRC requirements when he failed to perform a reasonable and necessary evaluation of information provided to him by a health physics technician to determine whether the licensed material reported as missing reached the threshold for reportability under 10 CFR 20.2201. He also agreed that he provided inaccurate information during the December 18-19, 2002, NRC inspection. The NRC and Mr. Simmons agreed to disagree on the willfulness of his actions. Subsequent to the NRC's identification of these violations, Mr. Simmons took actions to provide assurance that these violations would not recur. These actions included attendance at a 40-hour Radiation Safety Officer course in November 2005 which addressed the issue of communications and reportability to the NRC. In addition, Mr. Simmons has taken or will take various other corrective actions agreed to in the ADR.

The schedule of notification and issuance:

Telephone Notification of Licensee	February 10, 2006
Mailing of Notice	February 10, 2006

The State of Maryland will be notified.

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