

November 21, 2006

IA-05-041

Theodore D. Simmons, II  
**HOME ADDRESS DELETED  
UNDER 10 CFR 2.390**

**SUBJECT:** NRC EVALUATION OF YOUR ACTIONS, AS SET FORTH IN LETTERS FROM YOUR ATTORNEY DATED AUGUST 31, 2006 AND SEPTEMBER 29, 2006, IN RESPONSE TO AN NRC CONFIRMATORY ORDER, DATED FEBRUARY 10, 2006

Dear Mr. Simmons:

The purpose of this letter is to acknowledge receipt of letters dated August 31, 2006, and September 29, 2006, received from the Law Office of Clifford and Garde on your behalf. The letters describe the actions you have taken as required by the Confirmatory Order issued to you by the U.S. Nuclear Regulatory Commission (NRC) on February 10, 2006.

The NRC Confirmatory Order required that you (a) provide a lessons learned presentation to all NASA Goddard users of material, as well as to other NASA Goddard employees willing to attend, addressing, at a minimum, reporting requirements, requirements for ensuring completeness and accuracy of information, and being forthright with the NRC in response to questions from inspectors; (b) provide a similar session to employees from other NASA facilities at a NASA Occupational Health Conference in 2006; (c) complete all actions by August 31, 2006, and (d) send a letter to the NRC, within 30 days of completion of all actions, informing the NRC that all actions are complete.

The August 31, 2006, letter attached a copy of a lessons learned presentation that you provided to the NASA Goddard Radiation Safety Committee on March 16, 2006, and at a NASA Occupational Health Conference, attended by employees of other NASA facilities, during the week of July 17-21, 2006. We have reviewed your lessons learned presentation and have determined that its contents satisfy the terms of the Confirmatory Order. However, the August 31, 2006, letter did not indicate whether you provided your lessons learned presentation to all NASA Goddard users of material, as required by Section V.I of the February 10, 2006 Confirmatory Order. Therefore, in a telephone conversation with Mr. Karl Farrar of my staff on September 12, 2006, we requested that you submit a supplemental response confirming that your presentation has been provided to all NASA Goddard users of material.

In the supplemental response, dated September 29, 2006, you indicated that on September 27, 2006, after inviting individuals associated with the NASA Goddard radiation safety program, you

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Mr. Theodore D. Simmons, II

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provided a Radiation Safety-Lessons Learned presentation to eight individuals. Based on the above, the NRC has no further questions concerning your completion of the terms of the Order.

A copy of this letter, and the August 31, 2006 and September 29, 2006, letters on your behalf, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. These letters will be maintained by the Office of Enforcement (OE) in a NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>. A copy of these letters will also be placed in the docket file for the NASA license.

If you have any questions or comments, please contact Mr. James P. Dwyer, Branch Chief, NRC Region I, Division of Nuclear Materials Safety Branch, at 610-337-5309.

Sincerely,

**/RA/**

Samuel J. Collins  
Region I Administrator

cc: Billie Garde, Esquire

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\* Concurrence via email from Sally Merchant to John Wray